UNITED NATIONS

UNFCCC Framework Convention on Climate Change

Distr.
GENERAL

FCCC/TP/2002/1
21 April 2002

ENGLISH ONLY

BIOME-SPECIFIC FOREST DEFINITIONS

Technical paper

Report[1] to the UNFCCC secretariat
by Zoltán Rakonczay[2]

[1] This paper has been produced under the Fellowship Programme of the United Nations Framework Convention on Climate Change. The paper does not necessarily reflect the views of the UNFCCC secretariat; the responsibility for the text remains with the author.

[2] The author gratefully acknowledges the valuable help and advice provided by Dr. Udo Bohn (German Federal Agency for Nature Conservation), Ms. Eveline Trines and UNFCCC secretariat staff (especially Dennis Tirpak, Roberto Acosta and Claudio Forner).

GE.02-61179

CONTENTS

		Paragraphs	Page
I.	SUMMARY	1 - 5	4
II.	INTRODUCTION	6 - 17	4
	A. Background	6 - 10	4
	B. Methodology and structure of the report	11 - 17	5
III.	BIOME MAPPING	18 - 58	6
	A. Review of sources	19 - 34	6
	B. Scenarios for the adoption of a biome classification system	35 - 49	8
	C. Global ecological zoning for the Forest Resources Assessment 2000	50 - 53	10
	D. Conclusions	54 - 58	11
IV.	FOREST DEFINITIONS	59 - 88	12
	A. Effect of forest definitions on the estimated forest area	63 - 74	12
	B. Implications of forest definitions on the detection of ARD activities	75 - 84	15
	C. Conclusions	85 - 88	17
V.	IMPLICATIONS OF CHANGING FROM THE CURRENT FOREST DEFINITION TO A BIOME-SPECIFIC ONE	89 - 105	18
	A. Reporting national data under new definitions	90 - 93	18
	B. Accounting problems	94 - 99	18
	C. Potential loopholes, perverse incentives	100 - 102	22
	D. Conclusions	103 - 105	23
VI.	CONCLUDING REMARKS	106 - 117	23

Annexes

I.	Review of existing global ecological zoning systems	25
II.	The FAO global ecological zoning framework	30
	Bibliography	31

Acronyms and other abbreviations

ARD	afforestation, reforestation and deforestation
AOSIS	Alliance of Small Island States
COP	Conference of the Parties (to the United Nations Framework Convention on Climate Change)
EFTA	European Free Trade Association
EU	European Union
FAO	Food and Agriculture Organization (of the United Nations)
FRA	Forest Resources Assessment (by FAO)
GEZ	global ecological zone/zoning
GIS	geographical information system
IPCC	Intergovernmental Panel on Climate Change
LULUCF	land use, land-use change and forestry
SBSTA	Subsidiary Body for Scientific and Technological Advice
TBFRA	Temperate and Boreal Forest Resources Assessment (UN-ECE and FAO)
UN-ECE	United Nations Economic Commission for Europe
UNFCCC	United Nations Framework Convention on Climate Change
WWF	World Wide Fund for Nature

I. SUMMARY

1. Parties to the UNFCCC have agreed on a forest definition for the purposes of Article 3.3. and 3.4 of the Kyoto Protocol, to be applied for the first commitment period. At the same time, they requested the SBSTA to investigate the possible application of "biome-specific forest definitions" for the second and subsequent commitment periods. This paper investigates the potential implications of such a change in definition.

2. First, the possible interpretations of "biome" are considered. It is shown that the meaning of "biome" in the given context is less than clear, and some plausible scenarios for the adoption of a reasonably consistent and meaningful biome classification system are outlined. It is argued that the adoption of a sufficiently detailed and ecologically meaningful biome classification system will require considerable effort, even if it is based on an existing classification system. Of the existing global biome classifications, the GEZ system, developed for the purposes of the Forest Resources Assessment 2000 programme of the FAO, is presented as the most practical choice.

3. It is argued that whatever zoning system is to be adopted, the forest definition in each biome is likely to follow the current structure based on minimum tree height, minimum crown density (or similar measure) and minimum area, but with different minimum values. An analysis of the impact of each of these parameters on the corresponding forest area and on the feasibility of ARD activities indicated that the forest definition can have a significant impact on the area qualifying as forest, especially near the natural boundaries of forest distribution, and in heavily impacted (degradation, fragmentation) communities.

4. There is no strong indication that a change in the way forests are defined in any ecological zone would lead to appreciable benefits either in terms of consistency of carbon estimates (agreement with the real values) or in terms of environmental benefits. The adoption of biome-specific forest definitions, if biome boundaries are not identical with national boundaries, is likely to make carbon accounting more difficult and/or less accurate, and is likely to lead to inconsistencies among forest carbon estimates of different biomes within countries (since different definitions are likely to result in different error structures).

5. The analysis of the implications of changing from one forest definition to another (be it biome-specific or otherwise) identified areas of concern. A change in forest definition between commitment periods will require double accounting (at least for the time of the changeover). In addition, it will inevitably create apparent changes in the amount of forest indicated, even if there is no actual change in the amount of woody vegetation. These apparent gains and/or losses of forest area will have to be differentiated from actual changes in woody vegetation. Separating accounted changes owing to real processes and those resulting from the definition change may pose considerable methodological problems. A change in forest definition may also lead to paradoxical situations, may generate perverse incentives and may provide opportunities for abuses of the system.

II. INTRODUCTION

A. Background

6. Under Article 3.1 of the Kyoto Protocol, Annex I Parties have agreed to reduce their emissions of greenhouse gases between 2008 and 2012. The Kyoto Protocol makes provision for Annex I Parties to take into account afforestation, reforestation and deforestation (ARD) activities (under Article 3.3) and other agreed land use, land-use change, and forestry (LULUCF) activities (under Article 3.4) in meeting their commitments under Article 3. The use of LULUCF activities is also acknowledged under Article 6

and incorporated under decision 17/CP7 relating to Article 12, where only eligible projects are limited to afforestation and reforestation (see also decision 11/CP.7).

7. The definitions, modalities, rules and guidelines relating to LULUCF activities under Articles 3, 6 and 12 of the Kyoto Protocol were considered by the resumed sixth session of the Conference of the Parties. The resulting decision (11/CP.7) recommends that the first COP serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP1) adopts, for application in the first commitment period, the definitions for "forest" and for ARD activities.[3]

8. The primary function of the forest definition in this context is the identification of areas affected by ARD activities. Thus, such activities are considered only on areas of land which are converted from forest to non-forest or non-forest to forest (as specified by the forest definition). This affects the application of Article 3.3 and has implications for Articles 6 and 12 (e.g. eligibility for CDM activities). In addition, forest management activities, allowed under Article 3.4, can be carried out only on forest land.

9. The decision mentioned above, however, leaves the door open for a different forest definition to be used in the future by requesting the SBSTA to investigate the possible application of biome-specific forest definitions for the second and subsequent commitment periods.

10. This paper investigates some methodological issues relating to the possible implementation of biome-specific forest definitions.

B. Methodology and structure of the report

11. The study is based on an analysis of the text of the UNFCCC, the Kyoto Protocol and relevant decisions of the COP. It relies on the reports and guidelines issued by the IPCC, and takes into account relevant international conventions, agreements and processes, especially the relevant efforts of FAO. It draws heavily on the technical literature and expert consultations.

12. The report assumes the following logical sequence in arriving at "biome-specific forest definitions":

(a) The land surface of the Earth is first divided into a finite number of biomes in such a way that any point can be assigned to one biome;

(b) For all of the biomes identified in step (a), there has to be a definition of "forest";

(c) For at least one of the biomes, the for definition of forest is different from that agreed upon by Parties for the first commitment period.

13. The relevant sources were reviewed for the above steps. As there are virtually limitless possibilities both for defining/delineating "biomes" and for defining "forest", the discussion is limited to the most plausible scenarios.

---

[3] "Forest" is a minimum area of land of 0.05-1.0 hectares with tree crown cover (or equivalent stocking level) of more than 10-30 per cent of trees with the potential to reach a minimum height of 2-5 metres at maturity *in situtal*. A forest may consist either of closed forest formations where trees of various heights and undergrowth cover a high proportion of the ground, or of open forest. Young natural stands and all plantations which have yet to reach a crown density of 10-30 per cent or tree height of 2-5 metres are included under forest, as are areas normally forming part of the forest area which are temporarily unstocked as a result of human intervention such as harvesting, or of natural causes, but which are expected to revert to forest.

Each Party included in Annex I shall [...] select a single minimum tree crown cover value between 10 and 30 per cent, a single minimum land area value between 0.05 and 1 hectare and a single minimum tree height value between 2 and 5 metres. The selection made by a Party shall be fixed for the duration of the first commitment period.

14. Section 2 reviews the text of the Convention, the Kyoto protocol and available IPCC documents, as well as other relevant sources for guidance on the appropriate interpretation of the expressions "biome" and "biome-specific". Addressing step (a) above, plausible scenarios for the specification of biomes are outlined, highlighting the most important theoretical and practical issues associated wit each.

15. Section 3 addresses step (b) above by considering scenarios for the definition of "forest" in the various biomes. It investigates the potential benefits and disadvantages of the different choices.

16. Section 4 addresses step (c) above by exploring the potential implications of switching from the current forest definition (adopted for the first commitment period) to "biome-specific" definitions for the subsequent commitment periods.

17. Section 5 synthesizes the main findings of the report.

III. BIOME MAPPING

18. To analyze the implications of "biome-specific" definitions, the plausible options for delineating "biomes" have to be explored. In this section, relevant sources of information are reviewed in search guidance on the possible definition(s) of "biome" in the given context. Options are presented for the development/adoption of a biome classification system, and the implications of each.

A. Review of sources

1. Generic reference sources

19. This section examines the definitions offered by major reference sources. First, some definitions for "biome" are reviewed.

20. The Oxford English Dictionary (1989) defines biome as "A biotic community of plants and animals, spec. such a community in a prehistoric period", suggesting the importance of the potential vegetation type (by referring to a "prehistoric period"). The Merriam-Webster Collegiate Dictionary (2001) provides some examples to illustrate the level of classification it assigns to the biome concept.[4]

21. The Encyclopaedia Britannica (1995) emphasizes that biomes are large units. However, by introducing the concept of "biome type" (a grouping of biomes), it makes clear that biomes are not the highest level of classification of life zones.[5] While it gives "temperate deciduous forests" as an example of a "biome type", the McGraw-Hill Encyclopedia of Science & Technology (1992) uses the same forest type as an example of "biome",[6] demonstrating that the level of classification assigned to the biome concept is somewhat arbitrary.

22. All the above sources also offer synonyms for the term "biome", which happens to be just one of several words and expressions denoting similar concepts. These include: *formation, major life form, major life zone, major community (type).* Although not mentioned above, *ecoregion* and *ecofloristic zone*

---

[4] **biome** a major ecological community type (as tropical rain forest, grassland, or desert).

[5] **biome**, also called major life zone, the largest geographic biotic unit, a major community of plants and animals with similar life forms and environmental conditions. It includes various communities and developmental stages of communities and is named for the dominant type of vegetation, such as grassland or coniferous forest. Several similar biomes constitute a biome type – for example, the temperate deciduous forest biome type includes the deciduous forest biomes of Asia, Europe and North America. "Major life zone" is the European phrase for the North American biome concept.

[6] **biome** A major community of plants and animals having similar life forms or morphological features and existing under similar environmental conditions. The biome, which may be used at the scale of entire continents, is the largest useful biological community unit. In Europe, the equivalent term for biome is major life zone, and throughout the world, if only plants are considered, the term used is formation. [...] Each biome may contain several different types of ecosystems. [...] Terrestrial biomes are usually identified by the dominant plant component, such as the temperate deciduous forest. [...]

are also related terms and can be considered as synonyms. Although they may differ in their origin or area of application, they should all be treated as different interpretations of "biome". Some are rather vague,[7] while others are more specific[8] about the level of classification implied.

2. IPCC documents

23. Further to the above generic definitions, various IPCC documents provide some guidance as to how "biome" and "biome-specific" may be interpreted in the context of the Kyoto Protocol.

24. The IPCC Guidelines for National Greenhouse Gas Inventories (IPCC, 1997) make no explicit reference to "biomes". However, there are several sections which can be interpreted as guidance for the development of biome-specific forest definitions. The following expressions, referring to the categorisation of forests, can be found in the Guidelines: *forest category*, *forest formation*, *ecosystem category*, *ecosystem type*, *vegetation cover class*. These expressions are used in the document more or less interchangeably and in a rather inconsistent fashion.

25. Specifically, three ecosystem types are described, with three to six sub-types in each. Countries are encouraged to use more detailed classification where applicable/feasible, but they are also required to report aggregate figures for the categories specified. This suggests that any detailed national classification should be compatible with the categories given. However, these categories are not well defined. For the tropics, the categories are based "mainly on the FAO system", referring to the FAO Forest Resources Assessment 1990 (FAO, 1993), which has since been revised (FAO, 2001). No clear reference is given for the other "ecosystem types", which makes application of the FRA problematic. (For example, it is unclear how the vast amount of temperate mixed forest can be classified within the "coniferous" or "broadleaf" category.)

26. The IPCC Special Report on Land Use, Land-use Change and Forestry (IPCC, 2000) (SR- LULUCF) provides a detailed analysis of the main implications of some definitional scenarios for "forest" and related terms. One of these (the "biome scenario") assumes that different definitions will be developed for different biomes. However, the report stops short of discussing what those biomes might be, or how to delineate them.

27. The IPCC Special Report on Regional Impacts of Climate Change (IPCC, 1998) includes many references to different vegetation classification systems. In its glossary, it includes the following definition:

biome: A grouping of similar plant and animal communities into broad landscape units that occur under similar environmental conditions.

28. It does not specify one particular classification system as preferable to others. It presents an ecoregional map of North America (figure 8-3), and one for Latin America (figure 6-4), but the two use different classification systems, and the ecoregion boundaries do not match at the border of the two maps, suggesting that the two systems are not fully compatible.

29. The IPCC Third Assessment Report (IPCC, 2001) makes reference to some of the African ecoregions as "biomes" (such as the Succulent Karoo biome in South Africa), suggesting a very detailed classification system.

---

[7] **formation** *Ecol.* A community formed by groups of plants which have adapted themselves to similar climatic conditions. Oxford English Dictionary (1989).

[8] **formation** the largest unit in an ecological community comprising two or more associations and their precursors <grassland *formation*>. Merriam-Webster Collegiate Dictionary (2001).

30. While it is clear that not all uses of the word "biome" can be considered as an endorsement of a certain kind of classification system, it must be pointed out that a multitude of interpretations are available and have been used within the climate change context.

3. UNFCCC documents

31. The text of the Convention and its Kyoto Protocol do not contain the word "biome", neither do they provide any guidance as to possible interpretation of the concept.

32. Having reviewed the decisions of the COP and the recommendations of the SBSTA, few documents make explicit reference to biomes as such, and none offer clear guidance as to how the biomes should be defined/delineated, let alone what the specific forest definitions might be. Beyond the one already mentioned above (11/CP.7), the following are to be noted.

33. There are several submissions by Parties recommending the adoption of forest definitions which are specific to biome categories. Samoa (on behalf of the AOSIS group) suggested that "forest" should be defined for the following "biome categories": tropical forests, temperate forests, boreal forests, tropical savannas, temperate grasslands, deserts and semi-deserts, tundra and wetlands.[9] Chile[10] suggested that "a single threshold of canopy cover be adopted for each relevant biome, such as tropical moist forest, tropical dry forest, boreal forest, temperate forest, planted forest and agro forestry, among others, in order to reduce bias in defining lands under Article 3.3".

34. A common element that can be inferred from the submissions by Parties is that they recommend broad ecological categories as "biomes", and there seems to be an agreement that forest definitions should be assigned to the different biomes internationally, rather than allowing Parties to set their own definitions. Although these submissions are not definitive, they provide indications of the intentions of some Parties who promoted the use of biome-specific forest definitions during the process of responding to the Buenos Aires Plan of Action. For example, it is interesting to note that Chile's submission considers management categories (planted forest and agroforestry) among the biome designations.

B. Scenarios for the adoption of a biome classification system

35. The above discussion has concentrated on the concept of "biome". It has been shown that the term can be interpreted in many different ways, each leading to a different classification system. There is a reasonably complete agreement among the sources that biomes should be identified by the prevailing vegetation and/or (macro)climatic parameters, and should represent large units. At the same time, there are indications that other factors (such as land use considerations) may play a role.

36. This section outlines some possible options for the development of the biome scheme. The advantages and disadvantages of three main scenarios are presented, while it is acknowledged that many more are possible. The likelihood for the adoption of the various scenarios is also considered.

1. Parties use their own national systems of ecological zoning

37. Under this scheme, Parties could use their own biome definitions. These definitions would have the same structure as the current ones, but different threshold values might be selected. Forest definitions would be assigned to biomes permanently.

38. Advantages: Most countries have appropriate national methods for classifying forests in ecologically meaningful units. National categories are likely to describe local peculiarities best. Maps are already available in sufficient scale. Implementation at the national level would be inexpensive.

---

[9] FCCC/SBSTA/2000/MISC.6/Add.2.
[10] FCCC/SBSTA/2000/9 paragraph 27.

39. Disadvantages: Comparability of data and the transparency of reporting could be compromised. Expert review teams would have to scrutinize the appropriateness of the national classification system. Dispute resolution might be difficult. Similar areas on the two sides of national boundaries could fall into different categories, leading to serious inconsistencies.

40. Such a system, in its "pure" form might be difficult for Parties to implement. However, national zoning systems, or at least elements of them, might be used for some countries, especially bigger ones, and ones where consistency across boundaries is a lesser problem (e.g. some island states). It may also be the method of choice for dealing with relatively small, but very distinct, systems, which are difficult to categorize properly at the international level. Most notable are the various mountain systems, with a high diversity of habitats in relatively small areas.

2. Parties decide to develop a completely new global zoning system for the purposes of the Kyoto Protocol

41. As none of the existing classification systems was designed specifically for the purposes of carbon inventories/accounting, arguments could be made for the development of an entirely new system, specifically designed to serve the needs of the Kyoto Protocol.

42. Advantages: such a system, at least theoretically, could serve the needs of the Convention. It could take advantage of the latest scientific knowledge on carbon dynamics and other related areas. It could be developed at the right scale, and it could be expected to minimize inconsistencies.

43. Disadvantages: the scientific, organizational and financial requirements of such a project are likely to be prohibitive, especially since it would serve just one component of the system created by the Kyoto Protocol.

3. Parties adopt (with appropriate adjustments, if necessary) an existing global classification system, or several regional ones

44. Many zoning schemes have been developed for the classification of land into ecologically meaningful units; they represent a broad range of scales and level of detail, from the regional to the global. Most of these were developed on the basis of macroclimatic elements and floristic characteristics.

45. The most important regional systems include that of Bohn *et al.* (2000) for Europe and Bailey (1998) for North America. Holdridge (1947) developed several national vegetation maps for Latin America, based on his system which makes use of evapotranspiration data, in addition to temperature and rainfall.

46. Global systems include that of Köppen (1931), which was later modified by Trewartha (1968). More recent efforts include a global ecoregion map developed by WWF (WWF, 2000). A review of all existing systems would go beyond the limitations of this report, but a list of the most important references is provided in appendix A (based on FAO, 1999). A detailed review of the available classification systems can be found in FAO (2000).

47. An advantage of adopting an existing system is that no major effort is required to develop/adapt the system. Furthermore, most systems enjoy a degree of acceptance, and their benefits and shortcomings are known.

Disadvantages: existing systems were developed for purposes other than carbon accounting, and their applicability for implementation of the Kyoto Protocol is limited. Regional systems may require significant harmonization efforts (at least in the regions where they meet/overlap). Global systems tend to be better suited for some areas/continents than for others, either because they were first developed

with one region in mind, or because of uneven data availability; so it may be difficult to have them accepted by all Parties. Most earlier maps exist only in hard copy, and only with relatively modest accuracy, so georeferencing and the refinement of the boundaries of the biomes may pose significant problems.

49. Should Parties decide to introduce biome-specific forest definitions, it is likely that they would need to adopt one or more of the existing classification systems, probably with some modifications. The global ecological zoning system of FAO (FAO, 2000) has overcome most of the above difficulties, and deserves special attention as it is the best system yet for consistent global classification of forest type. It is reviewed in more detail in the following section.

C. Global ecological zoning for the Forest Resources Assessment 2000

50. The GEZ map, developed for the FRA 2000 report (FAO, 2000) is presented here in more detail, as it is a good example of a comprehensive, global classification of ecological zones. It appears to be the best system developed to date.

51. Characteristics and components of the FAO GEZ classification include the use of the Köppen-Trewartha system (Trewartha 1968), with some modifications, in combination with vegetation characteristics, as a basis for the delineation of zones. The GEZ classification system has a hierarchic structure: at the broadest level five domains are distinguished, which are subdivided into 20 "ecological zones". The mapping work was carried out principally using regional or national potential vegetation maps to define boundaries of ecological zones at the global level. Regional experts and scientists provided support and advice. Although using a variety of input maps inevitably caused methodological problems such as edge matching across adjacent maps, a protocol for correcting such problems was successfully developed and implemented. In addition to the global EZ map, regional descriptions were prepared on the vegetation, climate and physiography of the ecological zones. The GEZ used the following definitions (FAO, 2001):

(a) **Ecological zone:** Defined as a zone or area with broad yet relatively homogeneous natural vegetation formations, and similar (not necessarily identical) physiognomy. Boundaries of the ecological zones coincide approximately with Köppen-Trewartha climatic types, which are based on temperature and rainfall. An exception to this definition are "mountain systems", classified as one separate ecological zone in each domain and characterized by a high variation in both vegetation formations and climatic conditions.

(b) **Domain:** Broadest entity or level in classification, equivalent to the five thermic Köppen-Trewartha climatic groups and including the tropical, subtropical, temperate, boreal and polar domains.

52. The five domains are divided into a total of twenty ecological zones. A full list of GEZs with brief descriptions is given in appendix B. The benefits of the GEZ system for the purposes of Article 3.3 include the following:

(a) It is the most recent of such systems;

(b) It was developed specifically for forestry purposes (unlike some other systems, which were developed for scientific or conservation purposes), and so it is likely to be well adapted for Article 3.3;

(c) It was developed by many experts in a collaborative effort representing a good regional balance, and was developed under the sponsorship of a United Nations agency, which is likely to increase its political acceptability;

(d) Its mapping was carried out using GIS technology, making the maps easy to use and to manipulate;

(e) Its hierarchical system allows "biome" to be defined either as a top-level category (equivalent to the "domains" of the GEZ), or as a second-level one ("ecological zone");

53. Some of its limitations are:

(a) The base scale of the GEZ map is 1:1 million. While this is sufficient for global-level analysis, it may be insufficient for the accurate identification of ARD land on a local scale;

(b) There are regional differences in the accuracy of the source maps (despite all efforts to use the most precise source maps);

(c) Small ecological zones could not be properly classified. Most importantly, mountain systems are delineated as a separate zone at level 2 in all but one (polar) of the five domains, but they are not classified in detail. As mountain systems tend to have a high degree of habitat diversity (e.g., lush rain-forest and bare alpine rock can exist within a very short distance from one another), a single forest definition for mountain forest may not be appropriate. A resolution of this (perhaps at the regional/national level) is likely to be necessary if the system is to be adopted.

D. Conclusions

54. In summary, it is not easy to determine what kind of biome classification system could be adopted as the basis for biome-specific forest definitions. There is no single accepted definition for the term "biome". The word has been used interchangeably with several related words and expressions, representing a wide range of different concepts from the crudest division of the land surface of the Earth (into no more than three classes) to the most detailed floristic classification of certain regions.

55. Existing classification systems tend to rely mostly on macroclimatic parameters, potential vegetation type and physical features. These parameters allow the permanent delineation of biomes, discounting the possibility of significant shifting of biome boundaries due to climate change or other environmental change.

56. At least some proponents of biome-specific forest definitions have proposed that some biome categories (such as "agroforestry" or "plantations") should be defined on the basis of land use. As land use can and does change relatively quickly, such a system would not allow the consistent and permanent categorization of land. For this reason, it would be very difficult to factor land use considerations into the definition of biomes.

57. Parties may arrive at an acceptable set of biomes in different ways. The primary options are summarized in table 1.

Table 1. Overview of the primary options for the possible adoption of a biome classification system

Options	Advantages	Disadvantages
Parties use their own national systems of ecological zoning	- Well adapted to local conditions - Systems readily available, generally at an acceptable resolution - Some relevant statistics may be available according to classification	- Inconsistencies between systems (countries) - Systems not developed with carbon accounting in mind - Difficult to monitor/review application

Options	Advantages	Disadvantages
Development of a new global zoning system specifically for the purposes of the Kyoto Protocol	- Optimal performance can be achieved - Carbon dynamics can be taken into account from the beginning - The system can be developed with sufficient detail	- Expensive and time consuming process - Duplication of effort
Adoption of existing regional/global system(s)	- Well adapted to the given area (continent) - Consistent across regions (or even globally) - Available	- Inconsistencies between regional systems - Low resolution - Less relevant for local/national circumstances - Systems not developed with carbon accounting in mind

58. The need for global comparability, consistency and transparency suggests that a global, as opposed to a regional, classification system would need to be adopted. Of the existing global classifications, the GEZ system of FAO, developed for the purposes of FRA 2000, would appear to be the best. However, this system would need refinement and further elaboration, if it is to be used effectively for carbon accounting under the Kyoto Protocol.

IV. FOREST DEFINITIONS

59. The current forest definition under the Kyoto Protocol follows the structure of the FAO forest definition used for the TBFRA (FAO, 1998) by establishing a minimum threshold value for the same three attributes.[11] Renegotiating forest definitions theoretically opens up the possibility of using any definitional scenario, or even different scenarios for different biomes, starting with the second commitment period. Despite this possibility, in this section it is generally assumed that Parties will retain the current structure of the forest definition, changing only the threshold values of the three parameters (i.e. for minimum area, minimum crown cover and minimum height).

60. There are two main reasons for this assumption. First, the resources available for this report did not allow the analysis of the implications of all plausible forest definitions. For the FRA programme, more than 650 definitions of forest were assembled (FAO, 2000). Some of the most representative definitional scenarios are analysed in detail in the SR-LULUCF (IPCC, 2000), and it is unnecessary to repeat the analysis here. Second, on the basis of the Parties' submissions sent before the Marrakesh accords, including those recommending biome-specific definitions, it appears that most Parties prefer the current structure of the definition.[12]

61. The implications of applying different definitions for the various biomes are demonstrated in the GEZs of FRA 2000. This system was chosen as it was considered the best available global classification system, and it is detailed enough for most of the important considerations to be presented.

62. This section presents first the relevance of the three parameters in the various biomes. Then the potential effects of these parameters on ARD activities are investigated.

A. Effect of forest definitions on the estimated forest area

63. When applied to large tracts of closed formations of productive forests, the threshold values used in the definition of forest have virtually no effect on the estimated forest area. The threshold values begin gaining importance as the extremes of the natural range of forest are approached, or when dealing

---

[11] But the FAO definition sets firm minimum values for area, height and crown cover (0.5 metres, 5 metres and 10 per cent, respectively), and it explicitly excludes lands that are used predominantly for agriculture.

[12] For an example, see FCCC/SBSTA/2000/9, paragraph 27.

with heavily impacted forests. The impact of the three definitional parameters is reviewed here in the context of the various biomes.

1. Minimum height at maturity

64. The minimum height gains most importance close to the natural tree lines in boreal forests and in mountain areas. The classification of vast areas of boreal forest (mostly tundra) can depend on the minimum height. In the mountains, the affected area is much smaller (limited mostly to Alpine areas near the timberline), although it can be significant locally. The minimum height can also be important for the categorization of some dry forest/shrubland ecosystems, as well as some agroforestry systems. Many countries do not include a minimum height in their forest definition, as it is not considered necessary as long as the type of dominant vegetation (forest tree species) is specified.

2. Minimum area

65. This parameter is best discussed separately for open woodlands (where woody and other vegetation alternate in patches of various sizes) and closed forest formations.

66. In closed forests, using a minimum area threshold is needed for administrative and ecological reasons. Ecological considerations are based on the recognition that for forests to fulfil their various ecological functions and to exhibit their representative structure and dynamics, they have to be of a certain size.[13] There are strong arguments for linking the minimum area to the type of forest, for example as a function of the dominant tree height.[14] For administrative reasons, the minimum area has to be set as a fixed value, but biome-specific definitions should reflect the above considerations.

67. In most temperate and dense boreal (taiga) forests, the impact of the area threshold on the amount of land identified as forest is minimal. A simulation study conducted for 19 EU and EFTA countries estimated the impact of applying various minimum threshold values to the estimated area (EU, 1997). The study found that by varying the area threshold, the forest area of individual countries could be overestimated by up to 10 per cent, or underestimated by up to 6 per cent. If the 10 per cent threshold of the TBFRA-2000 (United Nations, 2000) is used for all countries (which tend to have similar or higher national thresholds, up to 30 per cent), the forest area of the region would be overestimated by only 1 per cent, which is well within the margin of error for the practical estimates of the carbon balance of terrestrial ecosystems.

68. No similar numerical estimates for Russia, North America or other major countries could be obtained. It is likely, however, that the impact of the area threshold would be larger in these cases. The area threshold is likely to be most influential in tundra, steppe, shrubland and dry forest formations.

69. The area threshold is also influential in forests under significant human pressure (encroachment, logging, etc.) Under such conditions, an ecological zoning system can provide the distinction between an open forest formation and a fragmented closed forest formation.

70. In the case of open forest formations, the minimum area requirement cannot always be separated from the canopy cover threshold. While they refer to different spatial scales of assessment (the former being interpreted on a larger scale), there can be a considerable overlap between these scales.[15] The size

---

[13] For similar reasons, many countries specify a minimum width (often set as 10 or 20 metres) for forests, to allow the practical classification of shelterbelts, windbreaks, hedgerows and other linear wooded areas common in many cultural landscapes.

[14] As an example, the minimum area could be defined as the square of three times the height of the dominant tree class. This would result in a minimum of one hectare for trees 33 metres tall, and 0.0225 hectare for 5 metres tall vegetation.

[15] For example, 20 dense groups of trees, 1000 square metres each, evenly distributed over a 10 hectare area, could be interpreted as 10 hectares of open forest (with 20 per cent canopy closure) or 2 hectares of closed forest (in 20 stands, surrounded by non-forest), or any combination in between.

restriction can be interpreted as one referring to administrative/ownership/management units, but this is not explicit. A biome-specific approach, if sufficiently detailed, can clarify the interpretation.

3. Minimum crown cover

71. The minimum crown cover can be a limiting factor in many areas where height can be limiting (as discussed above). In addition, it is a very important parameter for classifying open woodlands (dry forest and steppe formations). However, crown cover has a major significance in all forest types, as virtually all disturbances, human induced or natural, have a temporary or lasting effect on crown cover, making it a sensitive indicator of "naturalness" and disturbance.

72. The possible interlinkages between minimum crown cover and minimum area have been mentioned above. As the minimum area parameter acts at a larger scale, crown cover is the most commonly used proxy for assessing the naturalness of closed forest formations and it is the most important simple parameter for detecting degradation of forests.

73. If the crown cover indicates less than full stocking, it is important to make the distinction between reductions due to natural disturbances, to sustainable human activities (e.g. logging with appropriate control and regeneration measures in place) and unsustainable activities leading to the degradation of forest. While these distinctions can be made on the ground, or can be inferred from time series remote sensing images, it is difficult to include such considerations in the definition of the forest.

74. Table 2 summarizes the effect of the threshold value of the definitional parameters on the amount of forest detected in the various biomes.

Table 2: The effect of forest definitions on forest area detected. Signs indicate the expected change in the forest area estimated due to an increase in the given definitional parameter. (- small decrease, - - large decrease, 0 no significant impact. Brackets indicate uncertain effect.)

Classification		Effect of increase in parameter		
Level 1	Level 2	Min. area	Min. height	Min. crown cover
Tropical	Tropical rain forest	0	0	0
	Tropical moist deciduous forest	0	0	0
	Tropical dry forest	0	0	-
	Tropical shrubland	-	- -	- -
	Tropical desert	0	0	0
	Tropical mountain systems	(-)	-	(-)
Subtropical	Subtropical humid forest	0	0	0
	Subtropical dry forest	0	0	-
	Subtropical steppe	- -	- -	- -
	Subtropical desert	0	0	0
	Subtropical mountain systems	(-)	-	-
Temperate	Temperate oceanic forest	0	(-)	(-)
	Temperate continental forest	0	0	0
	Temperate steppe	- -	-	- -
	Temperate desert	0	-	0
	Temperate mountain systems	(-)	-	-
Boreal	Boreal coniferous forest	-	-	-
	Boreal tundra woodland	- -	- -	- -
	Boreal mountain systems	- -	- -	- -
Polar	Polar	0	0	0

B. Implications of forest definitions on the detection of ARD activities

75. The previous section presented some of the implications of choosing different threshold values for forest definitional parameters for the area of land classified as forest. From the perspective of carbon cycling (estimating sources and sinks of carbon), changes in forest land are more important than the amount of forest itself. For this reason, ARD activities receive special attention in the Kyoto Protocol. This section presents the implications of some definitional choices for the detection of ARD activities.

1. Afforestation/Reforestation (A/R)

76. As they are currently defined in the Marrakesh accords, there is no difference between afforestation and reforestation in the context of Article 3.3. Both assume the creation of forest in an area that did not contain forest on 31 December 1989. It should be noted that afforestation includes, and in some interpretations is limited to, the establishment of forest on areas that historically/naturally had, never before contained forest. In a biome-based system, it might be conceptually difficult to define the required attributes of a forest for an area that is naturally treeless.

77. It normally takes several to many years from the initial A/R activity before the vegetation established meets or exceeds the minimum values of the parameters set in the definition of forest. This is recognized in the current definition of forest, which includes young natural stands and plantations if they are expected to revert to forest.

78. Setting the minimum tree height too high can effectively preclude A/R activities in certain areas characterized by low vegetation, as was discussed in 3.1.1. Although such areas are likely to be of low productivity and are likely to be less attractive for the purposes of carbon sequestration activities (e.g. revegetation of Alpine zones with dwarf pines, *Pinus mugo*), there are areas where carbon credits could be considered a significant incentive for undertaking A/R activities (e.g., restoration of temporarily inundated riverine willow communities).

79. Minimum area is largely irrelevant in this context. Setting the minimum area high can disqualify some small plantings (e.g. schemes encouraging revegetation activities on small farms) from the A/R category, but such effects are not likely to be biome-specific. In open formations, where the characteristics of the vegetation could prevent the establishment of contiguous forests of sufficient scale, the size requirement can be limiting if there is a high threshold for crown cover (see section 3.1.2 on the link between the two parameters).

80. Minimum crown cover can be an important factor in the determination of areas under A/R. On the one hand, a high value can block some open formations from being eligible for A/R projects. Although these areas are likely to be less productive (see 3.1.3), there might be strong arguments (social and environmental) for considering them for reforestation. On the other hand, sufficient crown cover is a major success indicator for young forests. Setting the value too low for closed forest formations could allow less than fully stocked young stands to get credit for A/R, which could raise questions about the environmental integrity of the system. However, this is unlikely to be a major risk, as those establishing new forests are usually genuinely interested in the success of the plantings. Furthermore, environmental performance can be assured in other ways (through national policies for many countries, and provisions in the CDM for non-Annex I countries, providing safeguards for environmental integrity).

2. Deforestation

81. Deforestation often occurs quickly, through the harvesting (or other sudden loss) of forests, followed by land-use change. However, gradual forest loss (degradation) can also lead to deforestation. Under current rules, deforestation is considered to occur at the moment the forest no longer meets the

definitional criteria, even though its degradation may have started much earlier. These concepts are illustrated in figure 1, using crown cover as the threshold criterion.

82. When deforestation occurs abruptly (as in the case of clear cutting or burning), the change is normally obvious, and the actual threshold values do not make a difference. However, when forest loss occurs through gradual degradation, the threshold can have important implications.

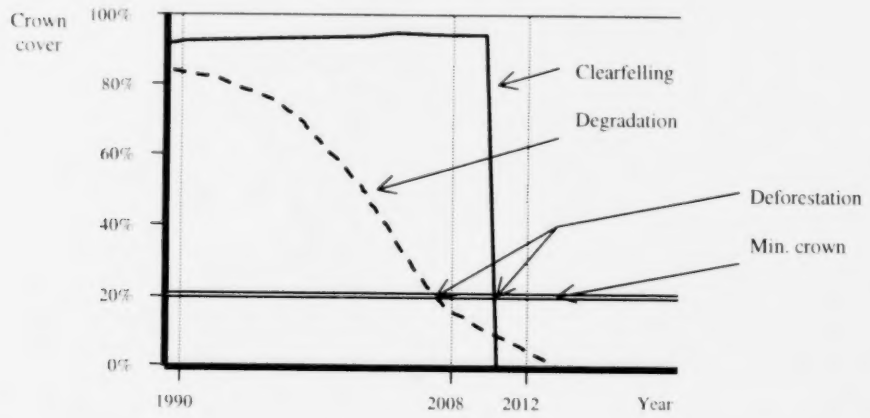


Figure 1. Sudden forest loss and degradation. Degradation is registered as deforestation only years after the process started.

83. Minimum tree height is normally not relevant as an indicator of deforestation, even when the tallest trees are harvested first. The minimum forest area can be important in some settings, where degradation occurs through fragmentation, resulting in isolated groups of trees. In most cases, nevertheless, the best indicator of degradation is the loss of crown cover.

84. For degradation to trigger the definition of deforestation at an early stage, it has been recommended that a relatively high crown cover threshold be used for closed forest formations prone to deforestation. This could ensure that significant carbon losses would be accounted for under Article 3.3. While this is true for reasonably intact forests, however, such a measure could have just the opposite effect for forests already degraded to some extent, as demonstrated on figure 2.

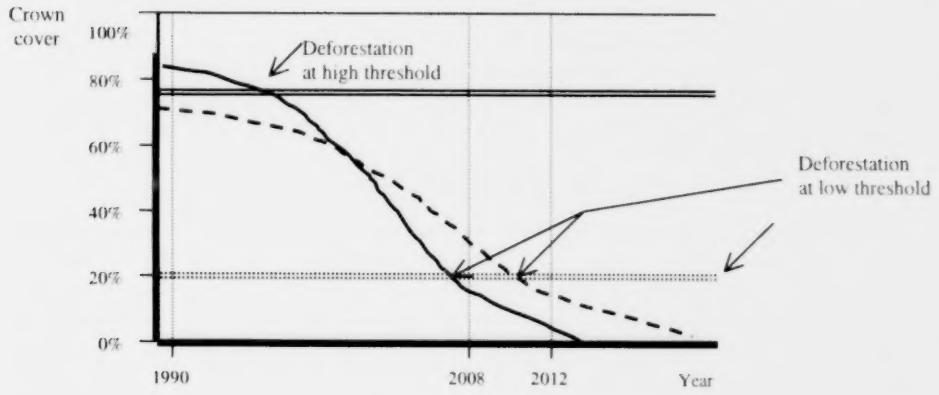


Figure 2. *Forest degradation at different crown cover thresholds. While continued degradation always triggers deforestation at a low threshold, a high threshold is efficient only if degradation starts at a nearly full stocking level.*

C. Conclusions

85. Analysis of the effect of the minimum values of the definitional parameters on the amount of land identified as forest or as land affected by ARD activities in the various biomes provided few conclusive results. In general, in reasonably intact closed forests there is little difference between the definitional scenarios. In more marginal communities, the values selected can significantly affect the amount of land classified as forest and/or the likelihood of ARD activities to be eligible/detectable.

86. In closed forest formations, the minimum area parameter is important mainly for administrative reasons. In open formations (and heavily fragmented forests) it can be important in effectively defining forests. However, the effect of this parameter is somewhat similar to that of the minimum crown cover value, and the two should be considered in conjunction.

87. Minimum crown cover is the criterion most directly linked to forest quality (naturalness/degradation); thus it is also the most debated one.[16] A low threshold value leads to the acceptance as forest of some sparsely wooded areas of low productivity, as well as severely degraded stages of more productive formations. While this can raise environmental concerns, a higher threshold may create similar problems by failing to capture the disappearance of forests already under the threshold.

88. No strong arguments have been identified either in favour of or against defining forest on a biome-specific basis. Left unchanged long enough, any reasonable definitional scenario will detect major trends in transitions between forest and non-forest areas. As long as the system is based, in any one place, on a set of threshold criteria, its sensitivity (its ability to detect small changes) can be increased not so much by changing the definition, but by reducing the size of the spatial assessment units.[17]

---

[16] Stephen Kelleher and others, WWF, personal communication.
[17] Eveline Trines, personal communication.

V. IMPLICATIONS OF CHANGING FROM THE CURRENT FOREST DEFINITION TO A BIOME-SPECIFIC ONE

89. It would be premature to speculate as to the potential aggregate effect of switching from one definition to a set of new, biome-based definitions, as the nature of the possible new definitions is not yet known. It is, however, possible to summarize the types of problems and scenarios that may result from a changeover from one definition to another, and the steps necessary in order to reduce negative impacts.

A. Reporting national data under new definitions

90. First and foremost, a changed definition will require the modification of existing methods for the estimation of forest land. Between the first and second commitment periods, the way the forest area is estimated will have to be changed. For example, in country A the national forest definition specifies a 20 per cent minimum crown cover, which is what this country chose to use for the first commitment period under the Kyoto Protocol. If the new forest definition specifies a 40 per cent minimum crown cover, then the national inventory figures will have to be adjusted (downwards, if other factors remain unchanged). Should the country include more than one biome with different forest definitions, the adjustment will be more complicated since the national inventory will have to be divided along the biome boundaries (which may not coincide with any national system), and then the adjustments will have to be made to the various biomes.

91. Most countries (probably all) use a single forest definition for administrative purposes, and their instruments (maps, inventories, models, regulations) have been designed to work with that definition. Generating data that match a different definition is likely to cause at least some difficulty for all countries, and these problems may be grave for some. Certain adjustments may be relatively easy to make. In countries with detailed inventories it might be possible to use a different definitional scenario by simply running a different query on the national database.

92. Most countries already have some experience in reporting detailed data on the basis of definitions other than the national one. FAO (and, for developed countries, UN-ECE) has for decades been collecting forest-related information from all countries. As the current definition under the Kyoto Protocol is very similar to that used by FAO (FAO, 2000), countries might be able to make the necessary adjustments with reasonable effort. It should, however, be noted that FAO and UN-ECE have been reporting significant problems with data quality and reliability. This might be, in part, due to the poor national data of some countries. Nevertheless, much of the error can be attributed to adjustments from one definition to another.

93. Assuming that the second commitment period will immediately follow the first, for the end of the first commitment period, the forest area will have to be estimated by both the old and the new methods. It will be shown below that for some areas it might be necessary to continue the use of both the old and the new definitions for an indefinite period of time.

B. Accounting problems

94. A change in forest definition is likely to result in a reclassification of at least some land from forest to non-forest class, and/or from non-forest to forest. It means that the overall forest area is likely to change without the involvement of any ARD activity. The land categories so created are demonstrated by means of a simple example involving changing two parameters (figure 3). This change in forest land will have to be separated from any due to ARD activities, which raises several questions regarding reporting and reviewing procedures.

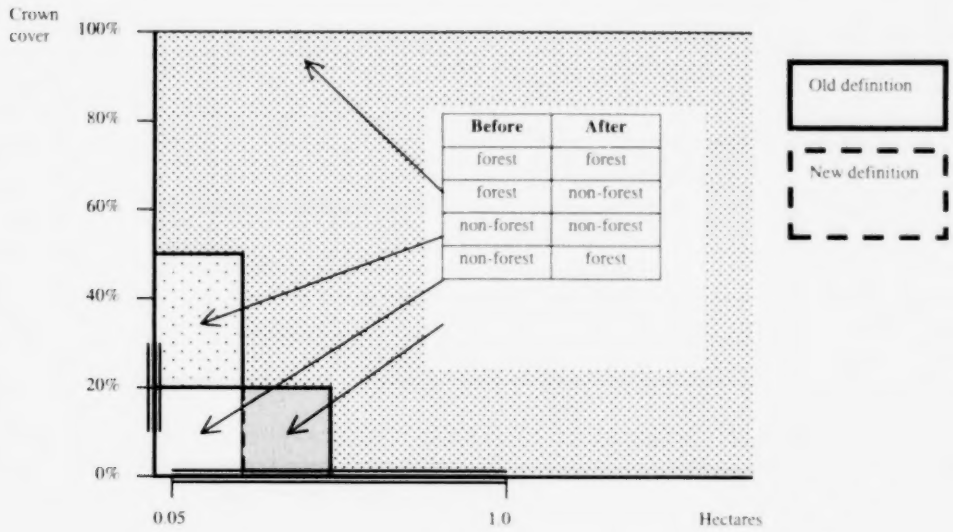


Figure 3. An example of land categories created by a change in forest definition. The minimum crown cover was raised from 20 per cent to 50 per cent, while the minimum area was reduced from 0.5 hectare to 0.25 hectare.

95. The following sections discuss a number of simple but plausible situations which may result from changing definitions. They assume a change in one of the three definitional parameters (crown cover was selected). The change leads either to a more restrictive definition (by raising the minimum canopy cover), or to a more liberal one (by lowering the threshold).

1. Partitioning forest loss

96. The simplest scenario, with no actual change in woody vegetation, only a single definitional change, is demonstrated in figure 4. The area covered with 40 per cent woody vegetation will be "lost" from the national inventory. Situations like this might be relatively easy to handle, as the actual amount of woody vegetation is unchanged, and the statistical difference can be entirely attributed to the change in definition (there should be no debit for deforestation). However, the picture is more complicated when the definitional change coincides with an actual change in woody vegetation.

97. Figure 5 demonstrates a scenario where definitional change is implemented during a steady degradation of the vegetation. While neither deforestation, nor the change in definition, in or by themselves, would be enough to trigger "deforestation", the combined effect is a loss of area qualifying as forest. This is likely to be a rather common scenario, should the minimum canopy closure requirement be raised for closed forests which are under strong deforestation pressure.

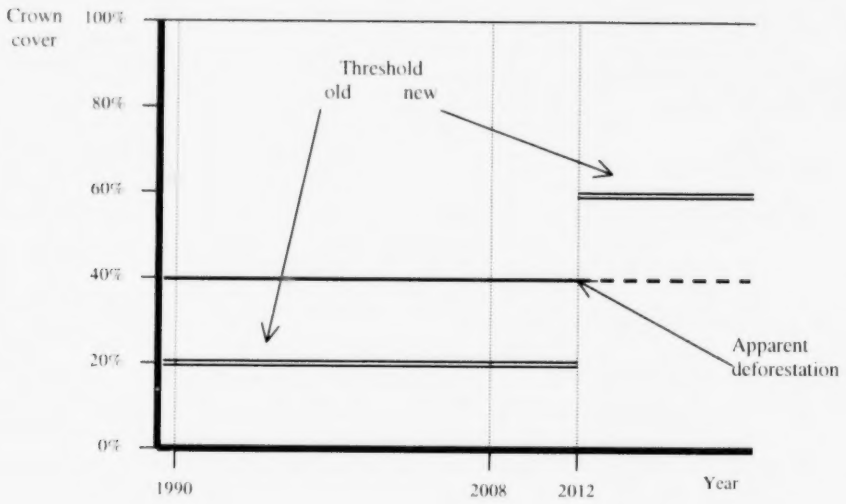


Figure 4. Change in forest definition (from 20 per cent to 60 per cent minimum crown cover). Amount of woody vegetation unchanged at 40 per cent, which qualifies as "forest" in the first commitment period, but not afterwards.

98. This raises the problem of how to partition the apparent loss of forest. Although it is the definitional change that ultimately triggers the reclassification of the area, this would not happen without the occurrence of continuous degradation for some years before 2012. The problem is compounded by the fact that not all forests can be inventoried at the moment of definitional change, which means that the actual forest cover on 31 December 2012 can be determined only by modelling techniques which are likely to incorporate some subjective elements.

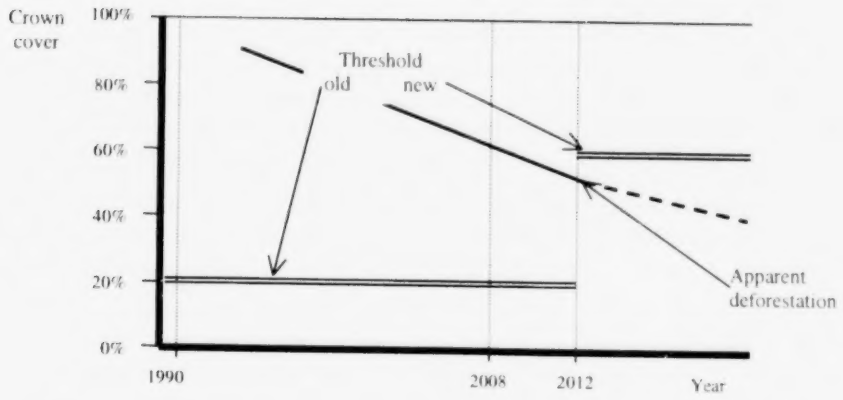


Figure 5. Change in forest definition (from 20 per cent to 60 per cent minimum crown cover). Amount of woody vegetation in steady decline. Apparent forest loss needs to be partitioned between causes.

2. Afforestation issues

99. A hypothetical afforestation project (which could be the restoration of an open forest type, or the establishment of an agroforestry system) aims at achieving 50 per cent forest cover in 10 years (figure 6). Initiated in 2000, with a minimum crown cover requirement of 20 per cent at maturity, the project qualifies as afforestation. However, if it is initiated in 2010, its status is questionable. Although at the time of planting the same definition applies as before, the threshold changes before the trees reach the minimum height. The main question here is when the new definition becomes effective in the case of immature, developing stands. While this is unlikely to create problems with carbon accounting (as the land would be registered as "ARD land", regardless the status of the area), it can lead to odd situations where an afforestation project, although successfully implemented, never actually results in forest.

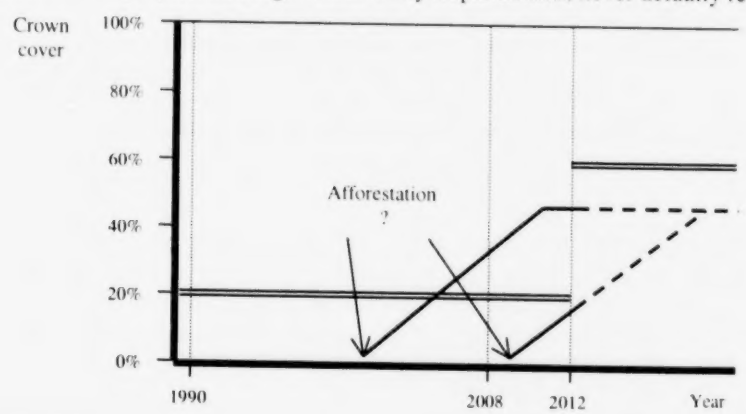


Figure 6. Change in forest definition (from 20 per cent to 60 per cent minimum crown cover). Afforestation is carried out, aiming at the development of an agroforestry project with 50 per cent crown cover in 10 years.

C. Potential loopholes, perverse incentives

100. A change in definition can open up a number of loopholes for those who might try to abuse the system. Similarly, it can create opportunities for avoiding debits or claiming extra credits by simply bringing forward or postponing some activities, perhaps only on paper.

101. In figure 7, a well-stocked natural forest is to be converted to other land use in 2013. This would be considered deforestation under any definition. However, deforestation debits could be avoided (at least theoretically), by bringing forward the beginning of the operation by a few months, reducing the crown cover to around 30 per cent before the end of the first commitment period. The area would then be reclassified as non-forest (due to the change in definition, no debits). The remaining trees could then be harvested from the area without its qualifying for deforestation.

102. In a similar case, the new forest definition is assumed to be more liberal than the old one (figure 8). A degraded forest, with about 20 per cent canopy cover remaining, is about to be reclassified as forest, due to a change in definition (changing the threshold from 30 per cent to 10 per cent). Seeing that unavoidable further degradation will result in deforestation, the land manager allows the clearing of the remaining vegetation before this counts as deforestation.

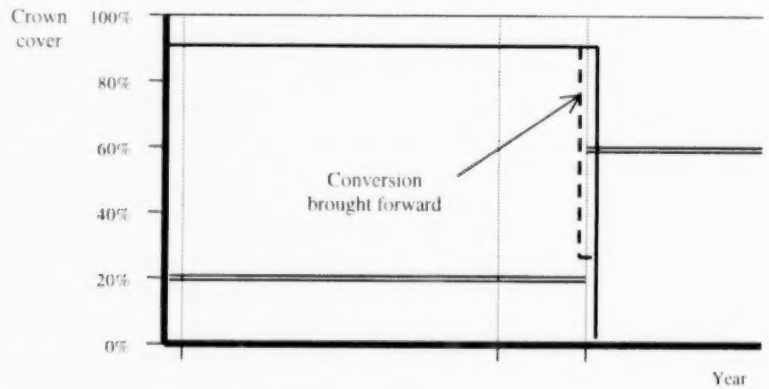


Figure 7. Forest conversion brought forward to avoid deforestation debits.

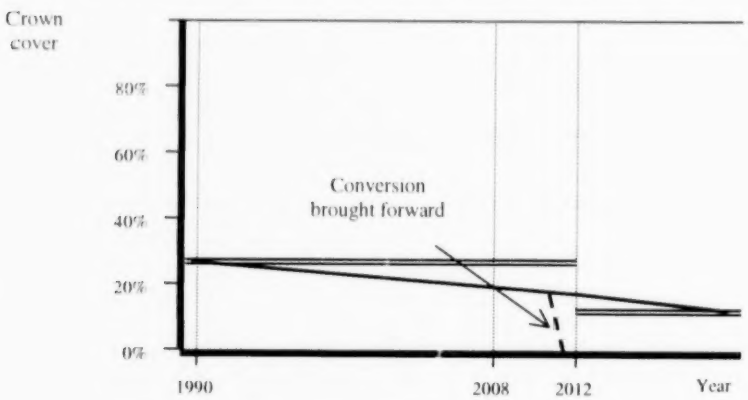


Figure 8. Forest conversion brought forward to avoid deforestation debits.

D. Conclusions

103. Changing the applicable forest definition from one commitment period to the next is likely to create considerable difficulties for Parties in their reporting. It can introduce a new source of error into the conversions, making it even more difficult to calculate changes in carbon stocks over time reliably. This factor alone can raise questions about the wisdom of changing definitions.

104. In addition, different definitions will result in areas changing status (from forest to non-forest or vice versa) solely or partly due to the definition change. Modalities will have to be developed to allocate the change in forest area to various causes.

105. Predictable changes in how forests are defined can open up loopholes or provide incentives to circumvent the system. Most of the above scenarios describe cases which can be prevented by proper formulation of the changeover. However, the range of possibilities is endless. It should also be pointed out that the bigger the difference between the current and the future definitions, the more opportunities and incentives there are going to be to circumvent the system. Such opportunities may be limited if the new system is only slightly different from the current one. In that case, however, it is questionable whether changing the system is justified.

VI. CONCLUDING REMARKS

106. There is no clear guidance regarding the possible interpretation of "biome" in the given context. Parties could choose to develop a new "biome" classification system for the purposes of the Kyoto Protocol. However, the development of an entirely new system would require considerable time and resources.

107. Alternatively, Parties could adopt one or more of the many global, regional and national ecological zoning systems that already exist. All of these have certain weaknesses, and their application may cause considerable methodological and political difficulties; so they need to be adapted.

108. There is a trade-off between the level of detail (ecological representation) and cost (time and resources needed for development). A coarse system (such as one that defines only five biomes based on macroclimatic parameters) may be easy to define and apply, but it will be unable to reflect local variations in vegetation, productivity and other parameters, and thus it is likely to have significant inconsistencies within and between biomes. A refined system, operating with hundreds of ecological zones, is likely to reflect ecological variability better, but it is likely to be difficult to design, negotiate and implement. Any system developed on a global scale will have significant inconsistencies at the local (forest stand) level.

109. Of the existing classification systems, it is the GEZ system, developed by FAO for the FRA 2000 report, which appears to be the most appropriate for adoption, as it was developed for forestry purposes, it builds on the most widely accepted precedents, it is well harmonized between countries and regions, it is of relatively high resolution and it is available in digital format. It is also likely to be the most acceptable politically.

110. Forests have been defined in hundreds of different ways. International precedents and the submissions of proponents of "biome-specific forest definitions" suggest that such definitions would continue to rely on a combination of the same basic parameters as the current definition, namely: minimum area, minimum tree height at maturity, and minimum canopy cover (or another appropriate measure of density).

111. The values of the above parameters can influence the amount of land that is classified as forest. The effect of these parameters on the amount of land classified as forest seems to be greatest towards the

margins of the natural distribution of forests, and in areas highly impacted (disturbed/fragmented) by human beings.

112. Similarly, a change in forest definition can affect the amount of land detected as afforested/reforested or deforested. However, the net effect of the definitional change on the amount of land under ARD activity cannot be generalized, as it depends on numerous factors.

113. In general, each country uses one single forest definition for inventory and administrative purposes. The introduction of biome-specific forest definitions, unless the "biome" boundaries follow country borders, will require at least some countries to use multiple forest definitions for their reporting, which may cause considerable methodological problems and inconsistencies.

114. There have been no strong arguments identified either in favour of or against defining forest on a biome-specific basis. Left unchanged for long enough, any reasonable definitional scenario will detect major trends in transitions between forest and non-forest areas. As long as the system is based on a set of threshold criteria, its sensitivity (its ability to detect small changes) can be increased not so much by changing the definition, but by reducing the size of the spatial assessment units.

115. A change in the forest definition is likely to cause difficulties with carbon accounting, as at least some of the land will have to be reclassified (from forest to non-forest or vice-versa). Separating real change in the amount of forest from apparent change due to a different definition may be difficult not only in practice, but even theoretically. This may complicate inventories, can make reviews more difficult and is likely to create loopholes and negative incentives which have to be carefully considered before a decision on a change in definition is made.

116. It should be mentioned that some of the above problems may emerge without the introduction of biome-specific forest definitions. The forest definition negotiated for the first commitment period allows countries to set their own minimum values, within the range specified, for the three threshold parameters. While this selection cannot be changed for the first commitment period, the decision leaves open the possibility for countries to choose another set of minimum values for the second commitment period. Parties may want to decide to remove this possibility, in order to improve the integrity of the system.

117. Finally, it should be emphasized that this paper has focused on the (change in the) definition of forest, that is, the implications of how forest land is differentiated from non-forest land. It assumes that all land classified as "forest" will be treated similarly, and does not consider the possibility of using different carbon accounting methods in the forests of different biomes. There could be strong arguments for requiring different inventory/carbon accounting methodologies for different forest types. For example, it could be argued that for those vegetation types where much of the terrestrial carbon is contained in the soil (most boreal forest types, for example), carbon accounting should always include the carbon pool of the soil. However, such considerations (which could be described as biome-specific carbon accounting) would go far beyond the limitations of this study, and would require a fundamentally different approach.

Annex I

Review of existing global ecological zoning systems

This annex is based on the review prepared for the FAO Forest Resources Assessment 2000 Report (FAO 1999). It lists, and gives some relevant particulars about, the most important global climate, ecological zone or potential vegetation maps that were available before the GEZ System of the FRA was developed.

The global maps described below primarily define climatic ecological zones. Two of them particularly emphasize differences in biogeography or species origins: the Udvardy (IUCN-UNESCO MAB) map and the WWF-US maps. Some regional maps also emphasize the biogeographical/ phylogenetic aspect. Regional maps which show vegetation types but do not emphasize ecological zones are not included in these descriptions but are listed at the end of this annex.

Map of Köppen and Trewartha's climate classification (Köppen, 1931, Trewartha, 1968)

A digital map usable at a scale of 1:30,000,000 is available though FAO. No details are available on the origin of this map, which shows five major Köppen climatic types: Polar, Cold, Temperate (humid), Tropical (humid), Dry. A number of subclasses are distinguished, which brings the total number of categories mapped to 14. Because many of the ecological zone maps described below use some major climatic criteria to distinguish their classes, it is deemed worth the effort to list Köppen's climatic classes for the globe; these are: E (polar climates with extremely cold winters and summers) subdivided into ET: tundra, EF: frozen; D (moist mid-latitude climates with cold winters) subdivided into DF: wet all seasons, DW: dry winters; C (moist mid-latitude climates with mild winters) subdivided into CF: continually moist subtropical, CW: winter dry sub-tropical, CS: summer dry subtropical (Mediterranean); B (dry climates with deficient precipitation during most of the year) subdivided into BS: semi arid, BW: desert; A (tropical moist climates) subdivided into AF: continually wet tropical, AM: tropical monsoon, AW: seasonally dry tropical. These classes are fairly coarse and do not always correspond directly with other Köppen classes used in the literature.

Map of Holdridge's life zone system (Holdridge, 1967)

Holdridge's work was aimed at correlating world plant formations by means of simple climatic data. The system embraces all major environmental factors in three hierarchical tiers.

Level I – The life zone. This is determined by specific quantitative ranges of long-term average annual precipitation, mean annual biotemperature and potential evapotranspiration ratio. These are modified for montane systems.

Level II - The association. This is an area of land which, under undisturbed conditions, supports a distinctive natural community adapted through evolution to a specific narrow range of atmospheric and edaphic conditions. No Association can occur in more than one Life Zone.

Level III – The successional stage or cover type, which takes into account that the community may not be in its climatic state, either through natural causes or through human intervention.

A map of the Level I life zones of the globe is available in digital form, usable at a scale of 1:30,000,000. It is, however, raster-based and quite coarse. It was prepared by Rik Leemans, who was then working in the Biosphere Project in IIASA, Laxenburg, Austria. The mapped classification does not differentiate montane communities as such but uses the major cooler climatic types to denote the

montane progressions. This map was used for the non-tropical areas of the world in an exercise by the World Conservation Monitoring Centre (WCMC) and the Center for International Forest Research (CIFOR) to investigate global forest protection by forest type and ecological zone (Iremonger *et al.*, 1997).

There are many national maps available for Life Zones, particularly in the Americas.

Map of Walter's zonobiomes (Walter and Box, 1976, Walter, 1979)

This is a map setting out an ecological classification of the world's climates. It is based on the climate-diagram pattern of Walter, in which temperature and rainfall are correlated to show periods of aridity and humidity, in relation to plant growth. Also taken into account are numbers of frost days and other extremes which influence vegetation patterns. There are nine different major zonobiomes, which have modifiers added if they are particularly dry, cold or wet. The map is only available in hard copy, at a scale of 1:30,000,000. The continents are shown as distinct entities on the map, and not joined into one complete global picture.

Walter's work on the zonobiomes goes beyond what is mapped, describing the different major variants within the zonobiomes, named pedobiomes and orobiomes (edaphic or altitudinal factors).

Ecotones between the major zonobiomes are also described.

Bailey's ecoregions map of the world (Bailey, 1989, 1998)

The purpose of this work, which began in 1976, was to show how the national forests of the United States fit within the global ecoregional scheme. In this system an ecoregion is defined as any large portion of the Earth's surface over which the ecosystems have characteristics in common. There are three levels in this classification system, the Domains, the Divisions and the Provinces.

Ecoregions of the continents are based on macroclimate (that is, the climate lying just beyond the local modifying irregularities of landform and vegetation). The theory behind the approach is that macroclimates are among the most significant factors affecting the distribution of life on Earth. As the macroclimate changes, the other components of the ecosystem change in response. Macroclimates influence soil formation and help to shape surface topography, as well as affecting suitability for human habitation.

Four Domains were defined: Polar, Humid temperate, Humid tropical and Dry. The combination of temperature and rainfall to indicate major climatic zones was based on Köppen and Trewartha's work, where dry climates were treated as a separate entity from tropical humid and temperate humid. However, the Köppen system defines an additional "Subtropical" division at this level.

The next level in the Bailey system is the Divisions, and these are also climate-based: for example, in the Humid temperate Domain there is Hot continental, Warm continental, Subtropical, Marine, Prairie and Mediterranean, all with Mountain variants (that is, a total of 12 Divisions in this Domain). There are a total of 30 of these.

The third and last level is the Provinces, which are based on physiognomy of vegetation, modified by climate. For example, the Forest-Meadow of Eastern Oceanic (Monsoon climate). There are a total of 98 of these subdivisions.

The global map has been digitized and converted to a geographic (lat./long.) projection by the WCMC, Cambridge, UK. It is also available on CD from NOAAs National Geophysical Data Center in

Boulder, Colorado as part of their Global Ecosystem Database Project (http://www.ngdc.noaa.gov/Store/).

Bailey has also drawn a more detailed map of the ecoregions of North America. This uses the same system as the global map and defines 63 Provinces. All maps are available in paper form from the author. Robert G. Bailey, USDA Forest Service, 3825 E. Mulberry St., Fort Collins, CO 80524, USA (e-mail: rbailey/wo_ftcol@fs.fed.us).

Milanova and Kushlin's map of present day landscapes (Milanova and Kushlin, 1993)

This was prepared using existing maps also produced by Moscow State University, "Geographical belts and zonal types of landscapes of the world" and "Land use types of the world", as well as remote sensing imagery and sample field observations. The world is first divided into temperature-defined zonal belts and one intrazonal belt, thus: Polar, Subpolar, Temperate, Subtropical, Tropical, Subequatorial, Equatorial and Intrazonal (8 divisions).

Within these are the Landscapes, which are primarily based on the natural land cover and its associated soil type. There are 39 of these, which are the most useful units on this map for the FRA ecological zoning exercise. Each polygon representing one of these types is then given a letter indicating degree of alteration - whether it is virtually undisturbed ("Modal Landscape"), with moderate interference (such as secondary vegetation), with strong interference (crop cultivation) or with extreme change (such as towns).

The map is available digitally and in hard copy from Moscow State University. Copies are also held in the WCMC, Cambridge.

Olson and Watts' map of major ecosystem complexes (Olson and Watts, 1982, Olson *et al*, 1982)

The purpose of this map was to attempt to quantify carbon in live vegetation. The primary division in the mapped classes includes a mixture of criteria: plant formations, edaphic factors (a wetland class is distinguished) and areas altered by human activity. This map is not considered to be one of the principal sources of information contributing to the ecological zoning system of the FRA, because it maps actual land cover rather than potential.

It was originally printed at a scale of 1: 30,000,000, and is available digitally from WCMC, Cambridge.

Udvardy's map of the biogeographical provinces of the world (Udvardy, 1975)

This map was prepared by IUCN as a contribution to the UNESCO MAB programme. The main purpose of the work was to devise a satisfactory classification of the world's biotic areas for purposes of conservation. It is the fourth attempt in a series of revisions, updating the previous three works written by Dasmann.

The logic behind the system was that the plant and animal world occurs within the biosphere of the Earth in the form of an intertwined network of individuals, populations and interacting systems. To be able to view them in a systematic way, the biologist may use the following approaches:

1. Taxonomic order

2. Ecological order

3. Phylogenetic order (origins and history)

4. Biogeographic order - grouping the above entities on a geographic basis.

To define geographic units for conservation purposes, the following were considered: (a) the distribution of species and (b) the distribution of ecosystem units. The result was a system serving both aims, a hierarchical system of geographical areas which would give a framework for conserving species as well as ecologic areas. These hierarchical biogeographical entities were named Realms, Biomes and Provinces.

The first subdivision, the Realm, used the phylogenetic subdivisions of the world, unifying those for flora and fauna. It is a continent or subcontinent-sized area with unifying features of geography and flora/fauna/vegetation. Eight Realms were distinguished. The second division is the Biome. These were not the same as the major vegetation formations of the world (see UNESCO, 1973), but combine the features of a major vegetation type with climate. There are 14 of these. These were largely based on the work of Dasmann. The third, most detailed, subdivision was the Province, delimited on a faunal, floral and ecological basis. There are 186 of these.

The map is available digitally from WCMC, Cambridge. It is usable at a scale of 1:30,000,000.

The WWF-US terrestrial ecoregions of the world (Dinerstein *et al,*. 1995, Olson *et al,*. 2001)

The purpose of this study was primarily to make a tool for the identification of geographic priorities for biodiversity conservation. The result is a system of regional-scale biogeographic units called ecoregions. These are described as relatively large units of land or water containing a geographically distinct assemblage of natural communities sharing a large majority of their species, dynamics and environmental conditions.

The global coverage was drawn up on a continental basis, and not all parts of the world are currently available. The rationale behind this was that the major split in the global map would be by biogeographic realm. However, the splits were made on political bases, not phylogenetic. Despite this the authors found the division practical for the conservation analyses for which the maps were intended.

The methodology for making the maps included collaboration with regional experts as well as the use of a great number of previously published national and regional maps, including some from Holdridge and McKinnon's Indomalayan Realm study. Udvardy's map was apparently not used.

The primary subdivision within each geographical region (continent) was into six mainly formation-based categories called Major Ecosystem Types, which were then subdivided into 14 Major Habitat Types, which are comparable to the concept of Biome, as used by Udvardy. These were further classified according to Bioregions. There were 867 units of the final class, Ecoregion, identified.

For copies of these maps, in paper or in digital form, please contact WWF-US Conservation Science Program, World Wildlife Fund, 1250 24th Street, NW, Washington DC, 20037-1175, USA.

Maps of the natural vegetation of different regions/continents of the globe

In addition to the above global classification systems, there are a number of regional systems available. Below are a few of the more important regional maps.

BOHN, U. and G.D. KATENINA (1994). *Map of Natural Vegetation.* Komarov Botanical Institute, St Petersburg. Scale 1:2,500,000. This has recently been used as a base map for the delineation of European ecoregions in the WWF-US system of ecoregion classification.

CARNAHAN, J.A. (1989). *Australia - Natural Vegetation*. Australian Surveying and Land Information Group, Department of Administrative Services. 1:5,000,000 scale.

HUECK, K. (1972). *Mapa de la vegetación de America del Sur*. Gustav Fischler Verlag, Stuttgart. 1:8,000,000 scale.

UNESCO (1980). *Vegetation map of South America*. UNESCO, Paris.

WHITE, F. (1983). *The vegetation of Africa*. UNESCO, Paris.

Annex II

The FAO global ecological zoning framework

Level 1 Domain	**Level 2 Global ecological zone**		
Name	**Name[18]**	**Code**	**Criteria[19]**
Tropical All months without frost, in marine areas over 18°C	rain forest	TAr	wet: 0-3 months dry[20]
	moist deciduous forest	TAwa	wet/dry: 3-5 months dry
	dry forest	TAwb	dry/wet: 5-8 months dry
	shrubland	TBSh	semi-arid: evaporation > precipitation
	desert	TBWh	arid: all months dry
	mountain systems	TM	approximately: > 1000m altitude (sizeable local variations)
Subtropical >7 months over 10°C	humid forest	SCf	humid: no dry season
	dry forest	SCs	seasonally dry: winter rains, dry summer
	steppe	SBSh	semi-arid: evaporation > precipitation
	desert	SBWh	arid: all months dry
	mountain systems	SM	approximately: > 800-1000m altitude (sizeable local variations)
Temperate 4-8 months over 10°C	oceanic forest	TeDo	oceanic climate: coldest month > 0°C
	continental forest	TeDc	continental climate: coldest month < 0°C
	steppe	TeBSk	semi-arid: evaporation > precipitation
	desert	TeBWk	arid: all months dry
	mountain systems	TM	approximately: > 800m altitude (sizeable local variations)
Boreal <4 months over 10°C	coniferous forest	Ba	vegetation physiognomy: coniferous dense forest dominant
	tundra woodland	Bb	vegetation physiognomy: open woodland and sparse forest dominant
	mountain systems	BM	approximately: > 600m altitude (sizeable local variations)
Polar	polar	P	same as domain level: all months < 10°C

[18] Reflecting dominant zonal vegetation, resulting from macroclimatic gradients.

[19] Approximate equivalent of Köppen-Trewartha hectare climatic types, in combination with vegetation physiognomy and one orographic zone within each domain.

[20] A dry month is defined as the month in which the total precipitation expressed in millimeters is equal to or less than twice the mean temperature in degrees centigrade.

Bibliography

BAILEY, R.G. (1998). *Ecoregions map of North America*, Misc. Publ. 1548. USDA Forest Service, Washington DC. With separate map at 1:15,000,000 scale.

_____ (1989) Explanatory supplement to Ecoregions map of the continents, *Environmental Conservation* 16: 307-309, with separate map at 1:30,000,000 scale.

BOHN, U. *and others* (2000). *Map of the natural vegetation of Europe.* (ed.) Bundesamt für Naturschutz Bonn-Bad Godesberg, Germany.

DINERSTEIN, E., D.M. OLSON, D.J. GRAHAM, A.L. WEBSTER, S.A. PRIMM, M.P. BOOKBINDER and G. LEDEC (1995). *A conservation assessment of the terrestrial ecoregions of Latin America and the Caribbean*, published in association with The World Wildlife Fund. The World Bank, Washington, DC.

Encyclopaedia Britannica. Fifteenth edition (1995). Encyclopaedia Britannica, Inc., Chicago.

EUROPEAN COMMISSION (1997). *Study on European Forest Information and Communication System (EFICS).* Report on Forest Inventory and Survey Systems. European Commission, Luxembourg (2 volumes).

FAO (1993). "Forest resources assessment 1990 – Tropical countries". FAO Forestry Paper No. 112. FAO, Rome, Italy.

_____ (1998) "FRA 2000 Terms and Definitions," Working Paper 1. FAO, Rome, Italy.

_____ (1999) "A concept and strategy for ecological zoning for the global forest resources assessment 2000. Interim report", Forest Resources Assessment Programme Working Paper 20. FAO, Rome, Italy.

_____ (2000) "On definitions of forest and forest change," Forest Resources Assessment Programme Working Paper 33. FAO, Rome, Italy.

_____ (2001) "Global ecological zoning for the global forest resources assessment 2000 - Final Report", Forest Resources Assessment Programme Working Paper 56. FAO, Rome, Italy.

_____ (2001) "Global Forest Resources Assessment 2000", FAO Forestry Paper 140. Programme Working Paper 56.

HOLDRIDGE, L.R. (1947). Determination of world plant formations from simple climatic data. *Science*, 105: 367-368.

_____ (1967) *Life Zone Ecology*. Tropical Science Center, San Jose, Costa Rica. 206 pp.

IPCC (1997). *Revised 1996 IPCC Guidelines for National Greenhouse Gas Inventories.* J.T. HOUGHTON, L.G. MEIRA FILHO, B. LIM, K. TRÉANTON, I. MAMATY, Y. BONDUKI, D.J. GRIGGS AND B.A. CALLANDER (eds.). Intergovernmental Panel on Climate Change, Meteorological Office, Bracknell, United Kingdom.
Volume 1: Greenhouse Gas Inventory Reporting Instructions. 130 pp.
Volume 2: Greenhouse Gas Inventory Workbook. 346 pp.
Volume 3: Greenhouse Gas Inventory Reference Manual. 482 pp.

_____ (1998) "The Regional Impacts of Climate Change: An Assessment of Vulnerability". Special Report of IPCC Working Group II. Cambridge University Press, Cambridge, United Kingdom and New York, NY, United States of America.

_____ (2000) "Land Use, Land-use Change and Forestry". A Special Report of the IPCC. Cambridge University Press, Cambridge, United Kingdom and New York, NY, United States of America.

_____ (2001) "Climate Change 2001: Impacts, Adaptation and Vulnerability", Contribution of Working Group II to the Third Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge, United Kingdom and New York, NY, United States of America.

IREMONGER, S., C. RAVILIOUS and T. QUINTON (1997). "A statistical analysis of global forest conservation," in: S. IREMONGER, C. RAVILIOUS AND T. QUINTON (eds.). *A global overview of forest conservation*, including: GIS files of forests and protected areas, version 2. CD-ROM. CIFOR and WCMC, Cambridge, United Kingdom. http://www.wcmc.org.uk/forest/data/cdrom2/

KÖPPEN, W. (1931). *Grundrisse der Klimakunde*. Walter de Gruyter Co. Berlin.

McGraw-Hill Encyclopaedia of Science & Technology (1992). McGraw-Hill, Inc.

Merriam-Webster's Collegiate Dictionary. Tenth edition (2001). Merriam-Webster, Inc.

MILANOVA, E.V. and A.V. KUSHLIN (eds.) (1993). *World map of present-day landscapes. An Explanatory Note*, prepared by Moscow State University and the United Nations Environment Programme. 1:15,000,000 scale.

OLSON, J.S. and J. A. Watts (1982). *Major ecosystem complexes ranked by carbon in live vegtetation.* Oak Ridge National Laboratory, Tennessee, United States of America.

OLSON, J.S., J.A. WATTS and L.J. ALLIAON (1982). *Carbon in live vegetation of major worlds ecosystems*, ORNL-5862. Oak Ridge National Laboratory, Oak Ridge, Tennessee, United States of America.

OLSON, D.M., E. DINERSTEIN, E.D. WIKRAMANAYAKE, N.D. BURGESS, G.V.N. POWELL, E.C. UNDERWOOD, J.A. D'AMICO, I. ITOUA, H.E. STRAND, J.C. MORRISON, C.J. LOUCKS, T.F. ALLNUTT, T.H. RICKETTS, Y. KURA, J.F. LAMOREUX, W.W. WETTENGEL, P. HEDAO AND K.R. KASSEM (2001). "Terrestrial ecoregions of the world: A new map of life on Earth". *BioScience* 51: 933-938.

Oxford English Dictionary. Second edition (1989). Oxford University Press.

TREWARTHA, G.T. (1968). *An introduction to climate*. Fourth edition, McGraw-Hill, New York.

UDVARDY, M.D.F. (1975). "A classification of the biogeographical provinces of the world," Occasional Paper No. 18. IUCN, Morges, Switzerland.

UNITED NATIONS (2000). "Forest Resources of Europe, CIS, North America, Australia, Japan and New Zealand (industrialized temperate/boreal countries)". UN-ECE/FAO contribution to the Global Forest Resources Assessment 2000. United Nations, New York, NY, United States of America and Geneva, Switzerland.

WALTER, H. and E. BOX (1976). Global classification of natural terrestrial ecosystems. *Vegetatio* 32: 75-81, with map.

WALTER, H. (1979). *Vegetation of the Earth.* Third edition. Springer-Verlag, Berlin.

WWF (2000). *Terrestrial Ecoregions of the World.* WWF, Washington, DC.

- - - - -

UNITED NATIONS

UNFCCC Framework Convention on Climate Change

Distr.
GENERAL

FCCC/TP/2002/2
16 May 2002

ENGLISH ONLY

TREATMENT OF CONFIDENTIAL INFORMATION BY INTERNATIONAL TREATY BODIES AND ORGANIZATIONS

Technical paper*

* The secretariat wishes to acknowledge the support provided by Mr. Wiley Barbour and Mr. Nuno Lacasta in the preparation of this paper.

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 4	3
	A. Mandate	1 - 2	3
	B. Scope of this technical paper	3	3
	C. Possible action by the SBSTA	4	3
II.	BACKGROUND	5 - 14	3
	A. General	5 - 8	3
	B. Confidentiality and the United Nations Framework Convention on Climate Change and the Kyoto Protocol	9 - 14	4
III.	DESCRIPTION OF DIFFERENT APPROACHES TO CONFIDENTIAL INFORMATION	15 - 52	6
	A. Classification of confidential information	20 - 33	8
	B. Processing of confidential information	34 - 46	10
	C. Procedures and guidance on access to, and processing of, confidential information	47 - 52	12

I. INTRODUCTION

A. Mandate

1. At its seventh session, the Conference of the Parties (COP), by its decision 23/CP.7, requested the Subsidiary Body for Scientific and Technological Advice (SBSTA), at its seventeenth session, to consider options for the treatment of confidential data during the review activities under Article 8 of the Kyoto Protocol, with a view to recommending to the COP, at its eighth session, a decision on this matter for adoption by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP) at its first session after the entry into force of the Kyoto Protocol (FCCC/CP/2001/13/Add.3).

2. At the same session, the COP requested the secretariat to prepare a document containing an analysis of the practices of other international treaty bodies and organizations relating to the treatment of confidential information, for consideration by the SBSTA at its sixteenth session, and invited Parties to submit their views on the question of confidentiality referred to in paragraph 1 above, by 1 August 2002 (FCCC/CP/2001/13/Add.3).

B. Scope of this technical paper

3. This technical paper was prepared in response to the mandate of the COP mentioned in paragraph 2 above.

C. Possible action by the SBSTA

4. The SBSTA may wish to take note of the information contained in this paper. It may also wish to consider this information at its seventeenth session, in accordance with the mandate mentioned in paragraph 1 above.

II. BACKGROUND

A. General

5. Transparency, or the disclosure and public sharing of information, is essential for the effective implementation of numerous international agreements.[1] Transparency can refer to the exchange of unshielded data, or it can apply to a process that is conducted in an open and readily apparent manner. When confidentiality claims are asserted over data that is used to determine compliance with an international agreement, the transparency of the entire process is diminished. The level of transparency reflects the degree to which knowledge and information about a Party's performance and adherence to its treaty commitments are adequate, accurate and available for review and evaluation by treaty institutions, other Parties and civil society as a whole.

6. Parties to an agreement are better able to coordinate their efforts and more effectively achieve the goals of the agreement when they possess accurate knowledge of what others are doing. This also serves to reassure parties that their own compliance efforts will not be undercut by "free riders". Transparency can also stimulate debate and broaden understanding among the many parties involved in international agreements, and can serve to strengthen public support for these efforts.

7. But the exchange of information can also raise questions about the disclosure of sensitive or confidential information. The barriers of confidentiality entail trade-offs between openness and privacy,

---

[1] "Environmental Change and International Law: New Challenges and Dimensions", edited by Edith Brown Weiss, United Nations University Press, 1992, available at: http://www.unu.edu/unupress/unupbooks/uu25ee/uu25ee00.htm#Contents

and between private interests and public confidence. Although access to data is generally expected or preferred, exceptions exist in order to protect certain legitimate interests which might be harmed by disclosure of information. In order to ensure that the exceptions in any legal instrument do not overwhelm the right of access, they should be specified in clearly defined terms and applied only after explicitly balancing the harm disclosure would cause against the public interest in having access to information. In cases where there are disputes about the application of confidentiality, the body or authority designated to mediate these disputes will need to refer to the original balance of interests to resolve the matter.

8. In most cases, exceptions are designed to prevent the releasing of confidential information related to international relations, national defence, public security or personal privacy. Other exceptions of importance in relation to requests for information concern confidential commercial and industrial information, matters under inquiry, information voluntarily supplied in excess of the minimum reporting required, deliberative or pre-decisional internal communications and unfinished documents.[2]

B. Confidentiality and the United Nations Framework Convention on Climate Change and the Kyoto Protocol

9. The United Nations Framework Convention on Climate Change (UNFCCC) guidelines for the preparation of national communications by Parties included in Annex I to the Convention, Part I: UNFCCC reporting guidelines on annual inventories (decision 3/CP.5) stipulate that, "Emissions and removals should be reported at the most disaggregated level of each source/sink category, taking into account that a minimum level of aggregation may be required to protect confidential business and military information" (FCCC/CP/1997/7, para. 19, page 8).

10. Article 8, paragraph 3, of the Kyoto Protocol establishes a review process that, "shall provide a thorough and comprehensive technical assessment of all aspects of the implementation by a Party of this Protocol". Expert review teams will prepare reports that assess the Parties' implementation and identify potential questions of implementation.

11. At its seventh session, the COP agreed to recommend for adoption by the COP/MOP, guidelines for review under Article 8 of the Kyoto Protocol (decision 23/CP.7), which include two paragraphs specifically addressing the review of confidential information (FCCC/CP/2001/13/Add.3, Part I General Approach to Review, paras. 9 and 10, page 39):

> "Pursuant to a request from the expert review team for additional data or information or access to data used in the preparation of the inventory, a Party included in Annex I may indicate whether such information and data are confidential. In such a case, the Party should provide the basis for protecting such information, including any domestic law, and upon receipt of assurance that the data will be maintained as confidential by the expert review team, shall submit the confidential data in accordance with domestic law and in a manner that allows the expert review team access to sufficient information and data for the assessment of conformity with the IPCC Guidelines as elaborated by the IPCC good practice guidance and any good practice guidance adopted by the COP/MOP. Any confidential information and data submitted by a Party in accordance with this paragraph shall be maintained as confidential by the expert review team, in accordance with any decisions on this matter adopted by the Conference of the Parties serving as the meeting of the Parties."

---

[2] Public access to environmental information, Expert's Corner no. 1997/1. 2. 3. Access to environmental information: key elements and good practices (2.3.6 Exceptions). Available at: http://reports.eea.eu.int/92-9167-020-0/en/page001.html

"An expert review team member's obligation not to disclose confidential information shall continue after termination of his or her service on the expert review team."

12. The Parties to the UNFCCC and the Kyoto Protocol have numerous commitments to report and provide data. This paper focuses on confidential information related to national inventory reporting under the Kyoto Protocol. Confidential information may be encountered in the annual reporting of emission inventory data under Article 7, paragraph 1, or in the annual review of inventories under Article 8. The information in this paper may be relevant to other articles and areas of the Kyoto Protocol, such as the functioning of the Compliance Committee or the projects under Articles 6 and 12 of the Kyoto Protocol.

13. In the past, Parties have asserted confidentiality claims over production and use data on emissions of hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF_6) from the industrial sector. Table 1 lists the emission source categories of a national inventory and indicates the areas that are most likely to cause concern in relation to the disclosure of confidential information. Because each Party will develop its own national system in a unique manner, based on its own institutions, procedures and practices, this table is for illustrative purposes only and may vary slightly across Parties.

Table 1. Confidential information in national GHG emissions inventories

Inventory category	C.I. in Top-Down Inventory	C.I. in Bottom-up Inventory	C.I. in Reporting	C.I. in Review
Energy	No	Yes	No	Yes*
Industry	Yes**	Yes	Yes**	Yes*
Agriculture	No	No	No	No
LUCF	No	No	No	No
Waste	No	No	No	No
Int'l Bunker Fuels	No	No	No	No
Military	Yes	Yes	Yes	Yes

* Confidential information about individual facilities that has been reported in an aggregated or anonymous form may be encountered or needed in an in-depth review of inventory background files.

** Information on production and consumption of HFCs, PFCs and SF_6 is often based on facility-specific measurements and is frequently treated as confidential. The ease with which this information could be aggregated or reported anonymously depends on the size of the industry in that country; having more facilities operating makes the task of reporting aggregated data easier.

14. Take, for example, the reporting of energy data under the current guidelines for national inventory reporting. Parties to the UNFCCC are required to report emissions related to national energy consumption, but are not required to disclose either the emissions or fuel use of individual companies. In the process of compiling national energy data, some Parties rely on survey questionnaires to gather specific data from companies and individuals on fuel use patterns and emissions profiles. A Party may consider some of the information collected in this manner to be confidential pursuant to domestic law. To be specific, the actual survey responses may be considered confidential, or at least sensitive, whereas the aggregated fuel use data are not. In table 1, this situation is summarized as a case where there is no confidential information in the reported "top-down" inventory data, although confidential information may be encountered during the in-depth review process. In this case, guidance in the processing of confidential information during the review process is warranted.

III. DESCRIPTION OF DIFFERENT APPROACHES TO CONFIDENTIAL INFORMATION

15. Concerns over confidentiality may arise in many different contexts and the methods and procedures used to prevent unintended disclosure are myriad. Different approaches to confidential information management have been developed, reflecting a range of concerns about the appropriate response to the risk of disclosure and the nature of the data in question. Who should have access to the confidential data and under what type of restrictions? Who should decide who has access to the data? How will the data be stored? How will data be disclosed and at what level of aggregation? These types of questions apply both to the reporting Party and to any central authority or secretariat that is the recipient of reported information. The type of data collected, reported and stored is an important element in the selection of the appropriate procedures and policies employed to prevent unintended or harmful disclosure.

16. This paper presents a review of the rules and practices of selected international treaties and organizations with regard to the processing of confidential information and its disclosure. The agreements and organizations reviewed are:

(a) The Montreal Protocol on the Protection of the Ozone Layer;[3]

(b) The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);[4]

(c) The World Trade Organization (WTO);[5]

(d) The North American Free Trade Agreement (NAFTA);[6]

(e) The European Environment Agency (EEA);[7]

(f) Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; [8] and

(g) The United States Freedom of Information Act.[9]

17. The processing of confidential data varies across regulatory instruments, reflecting their specific characteristics and purposes, including the type of data gathered and the level of review foreseen. In the case of the Montreal Protocol, two different types of data processing and reporting are employed: one by the Parties and one by individual companies. Among the alternatives to disclosing detailed confidential data are the use of aggregation or anonymous reporting, or reporting to a third party.

---

[3] See the "Ozone Treaties", including the 1997 Montreal Protocol and its amendments, at: http://www.unep.ch/ozone/treaties.shtml

[4] Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which was adopted on 3 March 1973 and entered into force on 1 July 1975. Available at: http//www.cites.org/

[5] See WTO's constituting legal texts, including the Agreement establishing the World Trade Organization at: http://www.wto.org/english/docs_e/legal_e/final_e.htm

[6] See NAFTA's legal texts at: http://www.nafta-sec-alena.org/english/index.htm

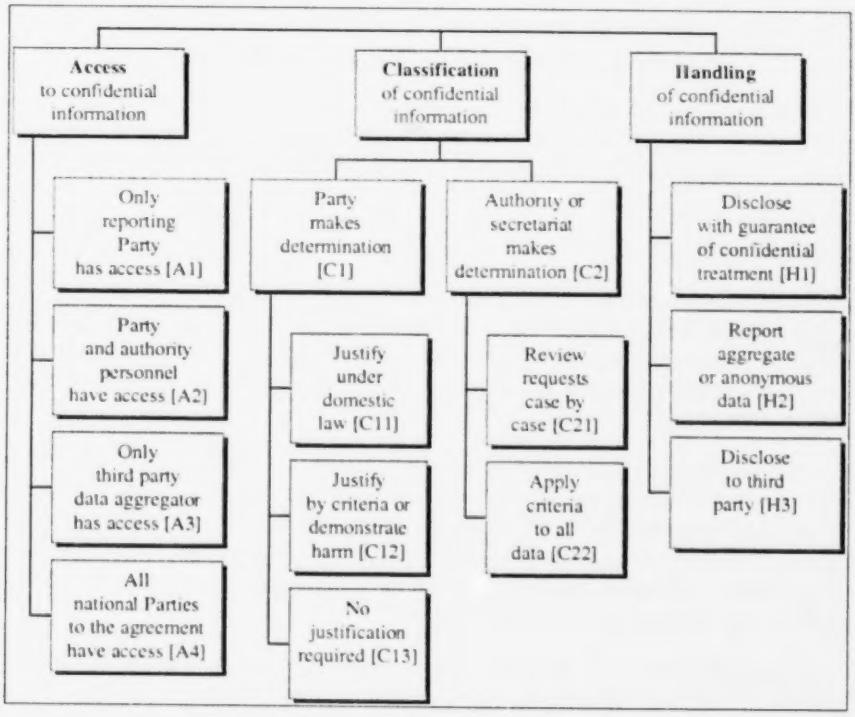
[7] Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European environment information and observation network (OJ L 120,11.5.1990,p.1). Available at: http://europa.eu.int/eur-lex/en/consleg/pdf/1990/en_1990R1210_do_001.pdf See also EEA's home page at: http://www.eea.eu.int/

[8] Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. Available at: http://www.opcw.nl/ [hereinafter Chemical Weapons Convention].

[9] United States Freedom of Information Act (FOIA), 5 USC 552.

18. The agreements and organizations reviewed for this paper use different approaches to classify confidential information. In some cases, the determination of what is confidential is left entirely to the Party, as in that of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the WTO, while in others, it is based on a judgement of the secretariat or other empowered authority under the agreement, as in those of CITES and the Chemical Weapons Convention. The figure below presents a schema of different approaches to classification, and also illustrates different modes of reporting confidential data. Each box in this figure is labelled with a code to facilitate reference to this figure throughout the text.

Figure. Confidential data classification and processing


Access to confidential information
Classification of confidential information
Handling of confidential information
Only reporting Party has access [A1]
Party and authority personnel have access [A2]
Only third party data aggregator has access [A3]
All national Parties to the agreement have access [A4]
Party makes determination [C1]
Authority or secretariat makes determination [C2]
Justify under domestic law [C11]
Justify by criteria or demonstrate harm [C12]
No justification required [C13]
Review requests case by case [C21]
Apply criteria to all data [C22]
Disclose with guarantee of confidential treatment [H1]
Report aggregate or anonymous data [H2]
Disclose to third party [H3]

19. Table 2 makes use of the codes from the above figure to provide a "mapping" of each international agreement into the appropriate method for classifying, processing and providing access to confidential information. Table 2 summarizes the ways in which confidential information is handled under the different agreements, but the reader should bear in mind that each agreement has unique data concerns and procedures that are not identical, even when the same general method for processing data is used.

Table 2. Summary of access, classification and processing methods used under international agreements

Agreement	Access	Classification	Processing
Montreal Protocol	A3, A4	C13	H2, H3
CITES	A4	C22	H2
WTO/TRIPS	A2	C12, C22	H3, H1
NAFTA	A2	C11	H1, H3
EEA	A2	C11	H2
Chemical Weapons Convention		C22	

A. Classification of confidential information

20. This section summarizes and describes alternative approaches to identifying and classifying confidential information. In general, these alternatives can be distinguished by who makes the assertion and classification of confidentiality – the Party or some external authority designated as such by the agreement.

Party makes determination

21. Parties often have a strong interest in the disclosure of other Parties' information – as well as, in some cases, that of legal entities under their jurisdiction – which is relevant for the information-gathering purposes of a given regime. However, in some cases it may not be appropriate for either a Party or a legal entity to disclose certain types of information which are deemed confidential according to criteria under national or international law.

22. As a result, under some agreements, the Party in question is required to actively indicate its desire that certain information be deemed confidential in order for it to be afforded the appropriate treatment. Commercial confidentiality may be protected by an exception that is strictly limited to specific information, such as a confidential trade secret (i.e., information that is not known to parties other than the company and public authority in question) which, were it to be released, would significantly harm the company and aid its competitors.

23. The Montreal Protocol was one of the first international environmental agreements to recognize that the collection and sharing of inventory information is an important means of implementing and measuring progress towards the objective of reducing the release of ozone-depleting substances. The Montreal Protocol requires each Party to report annual information related to the consumption of individual ozone-depleting substances (CFCs and HCFCs) specified in Annexes A, B, C and E.

24. The information required by the Montreal Protocol includes statistical data on each Party's annual production, imports and exports of controlled substances, as well as the amounts of each substance that are either used for feedstocks for other chemical products, recycled or destroyed by approved technologies. At the Third Meeting of the Parties to the Montreal Protocol a distinction was made between production and consumption data (consumption at the national level is defined as production plus imports minus exports). Data on the production of controlled substances is considered confidential, while data on the consumption of controlled substances is not.

25. Decision 11 (b) of the Meeting of the Parties to the Montreal Protocol stipulates that a Party submitting data on controlled substances deemed to be confidential by that Party shall, in submitting the data to the secretariat, require a guarantee that the data will be treated with professional secrecy and maintained as confidential. The fact that each Party makes the determination and is not required to provide justification for it, this is illustrated in the above figure by box C13.

26. Under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)[10] of the WTO, Parties have a duty to protect lawful confidential information or data provided to them by any natural or legal person. Confidential or undisclosed information, for the purposes of this agreement, must meet certain criteria (See figure, box C12) and is defined as information that:

(a) Is secret in the sense that it is not readily available to those who would normally use the information;

(b) Has commercial value because it is secret; and

(c) Has been subject to reasonable steps to keep it secret.[11]

27. The TRIPS Agreement does not require undisclosed information to be treated as a form of property, but it does require that a person lawfully in control of such information must have the possibility of preventing it from being disclosed to, acquired by, or used by others without his or her consent, in a manner contrary to honest commercial practices. "Manner contrary to honest commercial practices" includes breach of contract, breach of confidence and inducement to breach, as well as the acquisition of undisclosed information by third parties who knew, or were grossly negligent in failing to know, that such practices were involved in the acquisition.

28. Some agreements do not themselves regulate the treatment of confidential information, but rely on the law of the Parties or rules of other organs. Under Article 507.1. of the NAFTA Agreement, each Party shall maintain, in accordance with its law, the confidentiality of confidential business information and protect that information from disclosure that could prejudice the competitive position of the person or entity providing the information.[12]

29. In the context of the European Environmental Agency, Article 6 of the Council Regulation on the Establishment of the EEA, refers to the rules of the European Commission and of the Member States in respect of the public dissemination of information.[13] Parties will be more likely to agree to deliver confidential information if they know that it will be treated with the care accorded by their own regulatory standards (see figure, box C11).

Authority or secretariat makes determination

30. Under some agreements, it is up to the implementing authorities, e.g., the secretariat, to classify which information is to be deemed confidential. In such cases, confidentiality may be determined according to pre-determined criteria or on a case-by-case basis.

31. Under CITES, all Parties to the agreement are given access to all the relevant documents, including those classified as "restricted' or "confidential". However, the secretariat still maintains responsibility for classifying the status of the information received from Parties (individuals or organizations). The secretariat designates documents as "restricted" or "confidential" according to whether they include information that might be detrimental if disclosed to others, such as Parties or organizations (see figure, box C22). Therefore, although Parties have access to all information,

---

[10] See TRIPS text at: http://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm

[11] TRIPS: Part II — Standards concerning the availability, scope and use of Intellectual Property Rights, Section 7: Protection of Undisclosed Information, Article 39. Available at: http://www.wto.org/english/tratop_e/trips_e/t_agm3d_e.htm

[12] NAFTA: Part II: Trade In Goods, Chapter Five: Customs Procedures, Section B - Administration and Enforcement (Article 507.1.: Confidentiality). Available at: http://www.nafta-sec-alena.org/english/index.htm

[13] EEA: Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European environment information and observation network (OJ L 120,11.5.1990, p.1); Article 6. Available at: http://europa.eu.int/eur-lex/en/consleg/pdf/1990/en_1990R1210_do_001.pdf

non-Parties are debarred from access to information deemed restricted or confidential by the secretariat.[14] Consequently, Parties must do their best to maintain any such restriction or confidentiality, unless the same authority has removed the classification.[15]

32. The Chemical Weapons Convention uses a dual approach to classifying information as confidential – either a Party or the Director-General of the Convention may determine whether a piece of information should be confidential. Furthermore, all data and documents obtained by the secretariat must be evaluated so as to establish whether they contain confidential information.[16]

33. Under the WTO, in principle, all WTO documents must be circulated as unrestricted, with certain exceptions set out in an annex.[17] Such documents are either to be automatically derestricted six months after circulation, at the latest, or considered for derestriction at that time. In the latter instance, derestriction will automatically occur unless a Member State objects in writing within a specified time limit (see figure, boxes C12 and C22).

B. Processing of confidential information

34. Processing refers to the manner in which confidential information is treated. Processing procedures clarify how data will be transmitted between Parties and authorities, including the manner in which the latter should treat such data. Special processing procedures can be employed by anyone dealing with confidential information and may occur several times during the flow of data. For instance, Parties may use one method of handling confidential data, then once the information is reported to an authority, the latter may use the same or different processing procedures.

Disclose with guarantee of confidential treatment

35. Under the rules of procedure for the operation of independent reviews under Article 4 of the WTO agreement on preshipment inspection, a Party may also request that certain information submitted to the review panel be treated as confidential (see figure, boxes H1 and H3). However, this again requires the Party to submit a non-confidential summary of the information concerned.[18]

Report aggregate or anonymous data

36. Another possible response to the need for confidentiality is for information to be disclosed anonymously. The information requested could be transmitted in a form from which sensitive or confidential information could be extracted later by the authorities. Such a practice is used under CITES for information submitted by Parties on seizures of ivory and other elephant products.[19] Variations of this approach may be found in many national laws regulating access to information, such as the European

---

[14] CITES: SC46 Doc. 2; Forty-sixth meeting of the Standing Committee: Strategic and administrative matters; ADOPTION OF THE RULES OF PROCEDURE (Final Provisions Rule 31). Available at: http://www.cites.org/eng/cttee/standing/46/46-02.pdf

[15] CITES: Doc. AC.16.2; Sixteenth meeting of the Animals Committee: Rules of Procedure for Meetings of the Animals and Plants Committees as Approved at the 15th Meeting of the Animals Committee and the 9th Meeting of the Plants Committee (Final Provisions Rule 28). Available at: http://www.cites.org/eng/cttee/animals/16/16-2.pdf

[16] Chemical Weapons Convention, Annex on the Protection of Confidential Information, paragraph 2.

[17] WTO: Decision on Procedures for the Circulation and Derestriction of WTO Documents. Available at: http://www.wto.org/english/docs_e/ddf_e/derest_e.htm

[18] Annex III: Rules of procedure for the operation of independent reviews under Article 4 of the WTO agreement on preshipment inspection (9. Confidentiality, 9.2.). Available at: http://www.wto.org/english/news_e/pres96_e/psidoc.htm

[19] CITES: Notification to Parties No. 1999/92 Geneva, 30 November 1999; Concerning: Monitoring of illegal trade in ivory. Available at: http://www.cites.org/eng/notifs/1999/092.shtml

Union Directive on the freedom of access to information on the environment[20] and the United States Freedom of Information Act,[21] to name just two regulatory instruments (see figure, box H2).

37. To further ensure discretion and confidentiality, under CITES, each informant or source may also have a unique code name or number, so that the actual identity of the source need not be known for reporting purposes.[22]

38. These forms of anonymous disclosure make it possible to provide the responsible bodies with all the information they need, while simultaneously avoiding any possible threat to any confidentiality aspects, e.g., through the publication of personal or commercially sensitive data.

39. Under the Montreal Protocol, decision 11 (c) requires the secretariat to protect the confidentiality of the data it receives when preparing reports on controlled substances, by aggregating the data from several Parties in a way that will ensure that confidential data is not disclosed. An important principle in the use of aggregation as a means of preserving confidentiality, is to ensure that any statistics released must represent three or more data points. In that way, no single Party can deduce the exact emissions of another Party by subtracting its own data from a reported value. Using this technique, the secretariat is able to publish total data aggregated over all Parties for each individual controlled substance without disclosing any confidential information (see figure, box H2).

40. Decision 11 (d) of the Montreal Protocol establishes that other Parties have certain rights to access confidential data provided by other Parties, provided that a written guarantee is submitted ensuring that the data will be treated with "professional secrecy and not disclosed or published in any way". This provision has never been invoked.

41. Decision 11 (e) of the Montreal Protocol establishes that, when necessary, information will be made available on a confidential basis to resolve disputes under Article 11 of the Vienna Framework Convention on the Protection of the Ozone Layer (see figure, box H1).[23]

Disclose to a third, independent party

42. If a Party is required to submit confidential information that must not be disclosed, whether deemed confidential by the Party or by the authority, this information may also be submitted to a selected person or entity entrusted with ensuring that such information remains confidential.

43. The Montreal Protocol outlined above governs the process that Parties follow to report national consumption of ozone-depleting substances to the secretariat of the Montreal Protocol. Under the Protocol, Parties report on domestic releases only, but many of the companies responsible for production and sales of these chemicals have international operations that cut across many national jurisdictions. The private sector has developed a parallel reporting process under which private organizations gather global or international production data directly from corporate producers. Corporate reporting to a private organization or trade association enables producers to report their sensitive information in a manner that preserves its confidentiality (see figure 1, box H3).

---

[20] European Council Directive of 7 June 1990 on freedom of access to information on the environment (90/313/EEC), Article 3.2.

[21] United States Freedom of Information Act (FOIA), 5 USC 552(b).

[22] CITES: MIKE Site Form 5: Intelligence Monitoring Form; Informant Code. Available at: http://www.cites.org/eng/programme/MIKE/part_VIII/5%20Intelligence%20Monitoring(entry%20and%20instruction).shtml

[23] See the "Ozone Treaties," including the 1997 Montreal Protocol and its amendments, at: http://www.unep.ch/ozone/treaties.shtml

44. Since 1976, the chemical industry has voluntarily reported the production and sales of fluorocarbons through a survey compiled by independent accountants. In 1998, the Alternative Fluorocarbons Environmental Acceptability Study (AFEAS) was commissioned to conduct annual surveys and to provide the scientific community with data on the atmospheric release of CFCs and the alternative fluorocarbons, HFCs and HCFCs. Data on global production and sales are available through 2000 for CFCs, HCFCs, and HFC-134a. The AFEAS data are aggregated to protect the release of data on individual companies, and as a means of maintaining the confidentiality of consumption data.

45. Under WTO rules of procedure for the operation of independent reviews on preshipment inspection, a selected person may be an independent lawyer nominated by both parties who then reports to the authorities.[24] In other cases, such as the customs procedures of NAFTA, the information provided, which a Party deems confidential, may be disclosed only to selected authorities.[25] Oral proceedings, in which confidential information is presented, may then be held in camera and only certain pre-specified persons may be present at such proceedings (see figure, box H3).[26]

46. Once again, these approaches help in the collection of the information needed and in ensuring that confidentiality is respected by making all the data available only to a limited number of people or authorities.

C. Procedures and guidance on access to, and processing of, confidential information

47. Information designated as confidential may be accessed under either special rules and procedures or practical guidance and experience. Such procedures and guidance may specify how physical access will be granted, who will be allowed access, and how third parties may (or may not) request such access. A general principle with regard to access to confidential information is that it should be allowed on a "need-to-know" basis and to those persons with a duty to keep the information confidential.

48. Some agreements, such as the WTO and NAFTA Agreements, require that persons with access to confidential information have a duty to maintain its confidentiality and are obliged not to use it to gain personal advantage or advantage for others. Under the WTO, for example, each "covered person" under the dispute settlement procedure is legally obliged to maintain the confidentiality of "any information identified by a Party as confidential".[27] It is the responsibility of each interested party to ensure that these persons maintain the confidentiality of certain information (see figure, box A2).[28]

49. Some agreements may include rules of conduct or more general guidance to staff with regard to the processing of confidential information. In general, personnel contracts – especially those entered into with persons who will have access to confidential information – may include provisions destined to safeguard the confidentiality of certain information and procedures. In most cases, however, practices have developed as a result of experience or general guidance from the Parties and convention bodies.

---

[24] WTO: Annex III: Rules of procedure for the operation of independent reviews under Article 4 of the WTO agreement on preshipment inspection (9. Confidentiality, 9.2.). Available at: http://www.wto.org/english/news_e/pres96_e/psidoc.htm

[25] NAFTA: Part II: Trade In Goods, Chapter Five: Customs Procedures, Section B - Administration and Enforcement (Article 507.2.: Confidentiality). Available at: http://www.nafta-sec-alena.org/english/index.htm

[26] NAFTA: Rules of Procedure for Article 1904; Binational Panel Reviews: Part VI ORAL PROCEEDINGS (Oral Proceedings in Camera 69). Available at: http://www.nafta-sec-alena.org/english/index.htm

[27] WTO: WT/DSB/RC/1 (96-5267): Rules of conduct for the understanding on rules and procedures governing the settlement of disputes; VII. Confidentiality. Available at: http://www.wto.org/english/tratop_e/dispu_e/rc_e.htm See also, NAFTA: Code of Conduct for Dispute Settlement under Chapters 19 and 20; VI. Maintenance of Confidentiality. Available at: http://www.nafta-sec-alena.org/english/index.htm

[28] NAFTA: Article 1905 Special Committees: Rules 30-45 (Confidentiality 39.2.). Available at: http://www.nafta-sec-alena.org/english/index.htm

Such practices may include the relevant – or designated – department keeping confidential information in a specially dedicated location and only allowing selected persons access to it.[29] Such practical guidance may also include the need for a "sign-off" procedure for a designated person (e.g., a supervisor) before staff are allowed access to confidential information. Furthermore, in accessing electronic data, special passwords may be required which provide automated tracking of who accessed what data and when.

50. In cases where the authority may contract a third party to undertake a task that may include having access to confidential information, special procedures may also be put in place, including specific confidentiality agreements between the authority and the third party.

51. The Chemical Weapons Convention, because of the extremely sensitive nature of the information it deals with, includes rather detailed provisions on the treatment of confidential information and the conduct of personnel in the Technical Secretariat dealing with such information. The general operating principle under this convention is to prevent confidential information from being divulged without proper authorization. Nonetheless, the convention also includes rules on what to do in the case of a breach of confidentiality. Hiring procedures "shall be such as to ensure that access to, and handling of, confidential information shall be in conformity with the procedures established" in the agreement. Furthermore, "Each position in the Technical Secretariat shall be governed by a formal position description that specifies the scope of access to confidential information, if any, needed in that position."[30] Persons that have had access to confidential information under the terms of the agreement are subject to strict disciplinary action and termination of employment for breaches of confidentiality. Former staff remain obliged not to disclose such information even after the termination of their functions.[31]

52. The rules or practice governing the processing of confidential information in an agreement may require an annual report on the operation of such rules or practice to be prepared by the relevant authority and submitted to the Conference of the Parties to that agreement for consideration. For example, under the Chemical Weapons Convention, the "Director-General shall report annually to the Conference on the implementation of the regime governing the handling of confidential information by the Technical Secretariat".[32]

- - - - -

[29] In the case of the Chemical Weapons Convention a designated unit of the secretariat is "charged with overall supervision of the administration of confidentiality provisions".

[30] Chemical Weapons Convention, paragraphs 5 and 6.

[31] Ibid. paragraph 7.

[32] Ibid. paragraph 3.

UNITED
NATIONS

UNFCCC

Framework Convention
on Climate Change

Distr.
GENERAL

FCCC/TP/2002/3
28 May 2002

ENGLISH ONLY

Technical paper

REGISTRIES UNDER THE KYOTO PROTOCOL

GE.02-61658

I. INTRODUCTION

A. Registry requirements outlined in the Marrakesh Accords

1. At its seventh session, the Conference of the Parties (COP) adopted the Marrakesh Accords, including decisions relating to the following system of registries under the Kyoto Protocol:

(a) Each Annex I Party shall establish and maintain a **national registry** to ensure the accurate accounting of the issuance, holding, transfer, acquisition, cancellation and retirement of emission reduction units (ERUs), certified emission reductions (CERs), assigned amount units (AAUs) and removal units (RMUs) and the carry-over of ERUs, CERs and AAUs, in accordance with decisic '9/CP.7 (*Modalities for the accounting of assigned amounts under the Kyoto Protocol*);

(b) The executive board shall establish and maintain a **clean development mechanism (CDM) registry** to ensure the accurate accounting of the issuance, holding, transfer and acquisition of CERs by non-Annex I Parties, in accordance with decision 17/CP.7 (*Modalities and procedures for a clean development mechanism as defined in Article 12 of the Kyoto Protocol*);

(c) The secretariat shall establish and maintain an independent **transaction log** to verify the validity of transactions, including issuance, transfer and acquisition between registries, cancellation and retirement of ERUs, CERs, AAUs and RMUs and the carry-over of ERUs, CERs and AAUs, in accordance with decision 19/CP.7 (*Modalities for the accounting of assigned amounts under Article 7.4*).

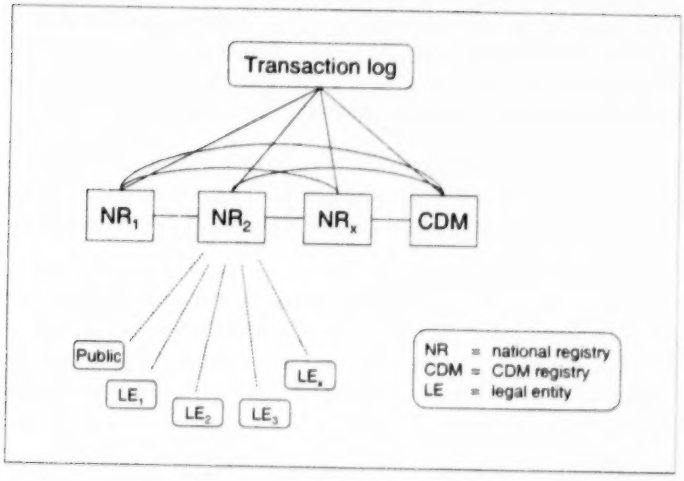
2. Each national registry and the CDM registry shall be in the form of a **standardized electronic database** which contains, *inter alia*, common data elements. Each registry is to maintain numbered accounts in which the Party and authorized legal entities hold ERUs, CERs, AAUs and/or RMUs, as well as accounts for the retirement of such units (to set them aside for compliance purposes) and the cancellation of such units (to disable their further use by the Party or legal entities). Each ERU, CER, AAU and RMU is to have a unique serial number. Each registry, in proposing a transaction, is to assign a unique number to the transaction and create a transaction record. Where appropriate, each registry is to facilitate the automated checks of the transaction log before completion of a transaction; where the transaction log notifies it of a discrepancy in the proposal, the registry is to terminate the transaction.

3. Each Annex I Party shall ensure that the total quantity of RMUs issued into its registry, and the net acquisitions of CERs from afforestation and reforestation activities under Article 12 for the first commitment period, do not exceed the limits established for that Party as set out in decision -/CMP.1 (*Land use, land-use change and forestry (LULUCF)*). Each Annex I Party shall maintain, in its national registry, a commitment period reserve consisting of holdings of ERUs, CERs, AAUs and/or RMUs for the relevant commitment period, in accordance with decision -/CMP.1 (*Modalities, rules and guidelines for emissions trading under Article 17 of the Kyoto Protocol*).

4. The structure and data formats of national registries and the CDM registry shall conform to **technical standards** to be adopted by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP) for the purpose of ensuring the accurate, transparent and efficient exchange of data between national registries, the CDM registry and the independent transaction log.

5. Figure I shows schematically the types of links that may develop for the system of registries under the Kyoto Protocol. The solid lines indicate links between individual registries and between registries and the transaction log. Such links would enable the communication of messages and instructions between registries and also facilitate the automated checks of the transaction log. Such links would quickly multiply as all Annex I Parties developed their national registries. A second level of dashed lines indicate links through which legal entities, authorized by the Party to hold units, may communicate with their national registries and through which public accessibility could be provided for.

Figure I
Links within the system of registries



B. Purpose of this technical paper

6. The COP, at its seventh session, requested the Subsidiary Body for Scientific and Technological Advice (SBSTA) to develop the technical standards for registries, with a view to recommending a decision on this matter to the COP at its eighth session, for adoption by the COP/MOP at its first session.

7. At the same session, the COP requested the Chairman of the SBSTA, with the assistance of the secretariat, to convene inter-sessional consultations with Parties and experts for the purposes of:

(a) Preparing draft technical standards, for consideration by the SBSTA at its sixteenth and seventeenth sessions;

(b) Providing for the exchange of information and experience between Annex I Parties and non-Annex I Parties as well as the secretariat, in relation to the development and establishment of national registries, the CDM registry and the transaction log.

8. Inter-sessional consultations on registries are to be held on 2-3 June 2002 in Bonn, Germany. This technical paper provides background information to these consultations. Section II contains the results of a questionnaire circulated to Annex I Parties on progress in developing their national registries. Section III discusses possible elements for the technical standards for registries.

II. NATIONAL REGISTRY DEVELOPMENT BY ANNEX I PARTIES

A. Background

9. As part of the preparation for the inter-sessional consultations on registries (2-3 June 2002), the Chairman of the SBSTA requested the secretariat to circulate a questionnaire to Annex I Parties with commitments inscribed in Annex B to the Kyoto Protocol to assess progress made and work envisaged on the development of national registries under Article 7.4 (see appendix A). Questionnaires were returned by 24 Annex I Parties. The responses may be considered as indicative at this stage as many Parties have not yet taken decisions on a number of the issues addressed in the questionnaire.

B. Results of the questionnaire on national registry development

10. Around half of the responding Parties described their activities to develop their national registries as not yet having begun and around half described them as being in preliminary planning. One Party described its activities as being in the design phase. One Party (the United Kingdom) has implemented a domestic emissions trading registry which it expects to become the Party's national registry under Article 7.4. Table I contains a summary of the results of the questionnaire.

11. Most responding Parties wish to complete the design of their national registry in 2004 or earlier and complete its construction in 2005 or earlier. Many European Union (EU) Parties, and many Parties wishing to accede to the EU, are taking account of the proposed date for the start of EU emissions trading (2005) in their consideration of this matter.

12. Parties indicated that, if they were to introduce a domestic emissions trading scheme, they would consider implementing a single registry to operate under both the domestic and the Kyoto Protocol systems. Many Parties indicated that they are considering consolidating their national registries with those of other Annex I Parties or engaging in other forms of cooperation. Most of the Parties expressing such interest are EU Parties or Parties wishing to accede to the EU.

13. Parties indicated that the responsibility for designing and constructing the national registry is likely to rest with the government. Many Parties stated that they are likely to involve consultants in this task. Most Parties expect that a government agency will maintain the national registry.

14. Among activities being undertaken or planned in developing a national registry, around half of the responding Parties indicated that they wish to consult with other Parties, including through the EU and through the inter-sessional consultations on registries under the SBSTA. The development of the technical standards was seen by many Parties as a prerequisite for their work. Many Parties indicated that they are developing national strategies on the use of the mechanisms or on how to develop a national registry. Several Parties are establishing legislation on which to base a registry. Several Parties with economies in transition wish to engage in capacity-building activities or are seeking funds to provide assistance for the development of a national registry.

15. Parties identified systems which may provide useful models or experience for the development of national registries under Article 7.4. These included, *inter alia*, central securities depositories, renewable energy certificate systems, company registers, pollutant point source registers and value added tax information exchange systems, as well as trading systems for sulphur dioxide (SO_2) emissions, nitrogen oxides (NO_x) emissions, electricity, milk and manure. Some Parties also indicated experience with systems for simulating trading in greenhouse gas emission reductions.

16. Areas identified as possibly needing the development of technical standards for registries included: Formats for serial numbers, account numbers and transaction numbers; accounting rules; data formats; communication protocols; transaction procedures; internal verification; security; data storage; public accessibility; a reference time zone; and legislative and legal issues.

Table I
Results of the questionnaire on national registry development

Annex I Party	Finish registry design	Finish registry construction	Considering a single registry if domestic trading introduced	Considering registry cooperation/consolidation with other Parties	Government operation of the national registry
Austria	2003	2004	yes	yes	maybe
Belgium		2004		yes	likely
Bulgaria	2004	2005	yes	yes	yes
Canada				unlikely	
Croatia					yes
Czech Republic	2004	2005	yes	yes	likely
Estonia					yes
European Community	2003	2004	yes	yes	yes
France	2002	2003	yes	maybe	maybe
Germany	2003/2004	2003/2004	yes	yes	yes
Japan	post COP 8	post COP 8		no	
Latvia	2003			yes	yes
Monaco		2003 [a]		yes	yes
Netherlands	2002 [b]	2002 [b]			
New Zealand	2003/2004	2005	yes	no plans	yes
Norway	2003/2004	2003/2004	yes	maybe	maybe
Poland	2003	2004 [a]	yes	yes	yes
Russian Federation	2005	2007	yes		yes
Slovakia	2003	2004	yes	yes	yes
Slovenia	2002	2003		yes	likely
Spain		2004	yes	yes	yes
Sweden		2004	likely	yes	yes
Switzerland	2003	2004	likely		yes
United Kingdom	2001	2002	likely	no plans	likely

(a) This date is dependent on the Party's use of the mechanisms.

(b) These dates refer to an interim system.

III. TECHNICAL STANDARDS FOR REGISTRIES

A. Background

17. The technical standards for registries called for by decision 19/CP.7 are to ensure that the issuance and subsequent transactions of ERUs, CERs, AAUs and RMUs occur in an accurate, transparent and efficient manner. They will also need to apply to the transaction log as it is to verify transactions.

18. The following considerations may need to be made in developing technical standards:

(a) Decisions 19/CP.7 and 17/CP.7 refer to technical standards in the context of registry aspects that are relevant to the **exchange of data**. They do not foresee that technical standards need apply to all aspects of registries. However, while some registry aspects will be *directly* relevant to the

exchange of data, other aspects may be *indirectly* relevant to such data exchange to the extent that they prevent errors occurring in data which may be subsequently sent to another registry;

(b) **Domestic policy considerations** will be important in establishing national registries. A Party which does not wish to participate in the mechanisms would still require a simple national registry with issuance and retirement functions (to demonstrate compliance with its Annex B target). Beyond this, a national registry would grow in complexity if legal entities were to participate in the mechanisms, if a domestic or regional emissions trading scheme were implemented or if a Party wished to limit the entry or exit of units from its registry. As long as a minimum set of data exchange requirements is respected, Parties may otherwise construct their registries in accordance with their individual needs;

(c) Technical standards relating to a **desired performance level** may assist Parties in adapting their registries to their individual needs; technical standards which specify, for example, the use of particular hardware or software may hinder such independent registry development;

(d) Some technical standards may need to be of a **compulsory** nature while others may only need to be **optional**. Parties may also choose to harmonize or consolidate their national registries beyond the level required by the technical standards;

(e) It may be necessary for technical standards to evolve further over time. Consideration may need to be given to how such **evolution** may take place.

B. Parallels to registries in other areas

19. While the use of registries under the Kyoto Protocol is new, databases are already in use in other fields for holding and tracking units. Shares, bonds and other securities are held in depositories. Banks maintain systems for holding currency deposits. Systems have been developed for trading certificates of electricity from renewable energy sources. Registries also exist for trading SO_2 and NO_x emissions, as well as for state-level and industry trading in greenhouse gas emission reductions. These systems may provide parallels which are useful in the development of registries under the Kyoto Protocol.

20. Moreover, some of these fields have recently seen the development of common standards to enable the transfer between parallel systems in different countries. For example, international links have been developed between securities depositories and renewable energy certificate schemes.

21. **Central securities depositories** (CSDs) are established under national law to hold securities such as equity shares and bonds. Securities are today mostly "dematerialized", so that ownership of a security is effected by an electronic record in a depository rather than by a physical certificate. When one entity sells securities to another within the same country, these transactions are "settled" by shifting the ownership record of the securities from selling accounts to buying accounts, in return for payment.

22. Standards are being developed by the European Central Depository Association (ECSDA) to facilitate the fast and secure transfer of securities ownership rights across national borders and, hence, between depositories. They aim to minimize the risks and to improve the efficiency of cross-border trades. ECSDA standards relate to legal as well as technical issues (see appendix B).

23. Standards to facilitate trading in renewable energy certificates are being developed by the industry-based **Renewable Energy Certificates Systems** group (RECS). The group has established the Association of Issuing Bodies (AIB), which has developed a basic commitment (release 1) to which all RECS schemes are to conform, and is currently finalizing a standard interface between central registration databases under each scheme (to be contained in release 2). RECS schemes have been established in 13 European countries and interest is also being shown outside Europe (see appendix B).

C. Possible elements of the technical standards

24. This section discusses possible elements of the technical standards for registries and gives information as to the types of standards that might be developed.

Number formats

25. Decisions 19/CP.7 and 17/CP.7 define three types of unique numbers, to be generated in individual registries, and the elements which each is to contain:

(a) **Serial numbers** for ERUs, CERs, AAUs and RMUs containing information on the commitment period, Party of origin, type of unit, LULUCF activity (in the case of RMUs), project identifier (in the case of ERUs and CERs) and a unique number;

(b) **Account numbers** containing information on the Party and a unique number;

(c) **Transaction numbers** containing information on the commitment period, the Party initiating the transaction and a unique number.

26. Following ISO practice, elements of these numbers may be coded as a specific number of alpha or numeric characters. Decision 19/CP.7 gives one code: The Party of origin is to be identified by the two-letter country code defined by ISO 3166 (for example, FR for France). The Party code is therefore to consist of two capitalized alpha characters (or "2A"). A code consisting of two numeric characters ("2n") for the commitment period would allow referencing of up to 99 commitment periods. A code consisting of four alphanumeric characters ("4An") for a Party's project identifiers, through allowing combinations of letter and numbers, would allow over 1.5 million projects to be uniquely identified.

27. All such elements could be contained in one field (for example, 2n2A1n1n12n4An for serial numbers) or in individual fields. The latter case would create more flexibility by allowing registries to manage the fields in different ways. A standard field sequence would, however, be required for communicating numbers to other registries or to the transaction log. Parties would also be able to define other fields for internal purposes, though these may not need to be included in communications between registries. International standards, such as for securities, are moving towards using individual fields.

28. Further considerations may be relevant to number formats. Alpha characters may increase the human readability of numbers but would require the choice of a specific set of language characters. Numeric codes could be managed by computers, which could also interpret the code so that registry operators and users would rarely need to look at the numbers themselves (for example, look-up tables).

29. Other standardized numbering systems could also be considered, such as Universal Product Codes (UPC), European Article Numbers (EAN) or International Bank Account Numbers (IBAN).

Message exchange procedures

30. Decision 19/CP.7 defines a sequence of notifications to be communicated between registries, and between registries and the transaction log, in the course of transactions. These notifications serve to manage the transaction procedure and facilitate the automated checks of the transaction log.

31. Figure II uses solid arrows to show the exchange of messages, as specified in decision 19/CP.7, during a transfer of units from an account in one registry to an account in another registry:

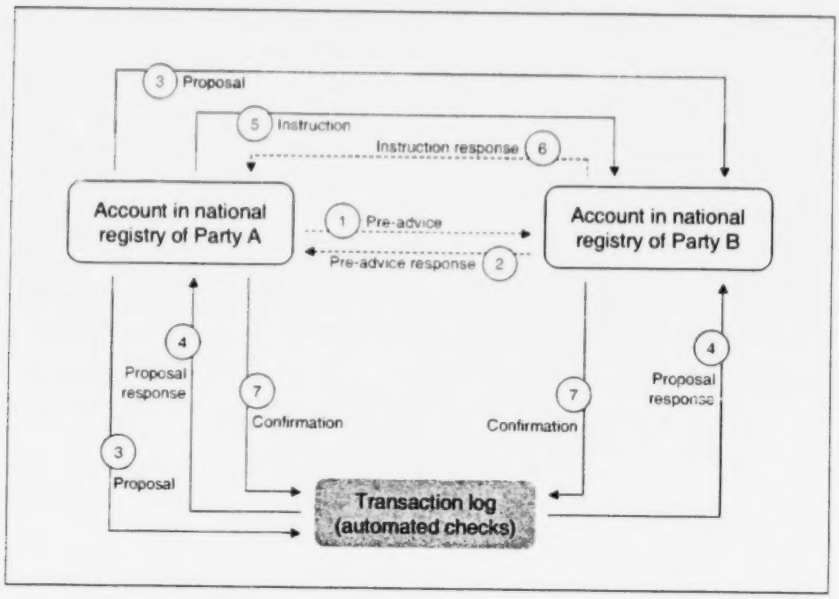
(a) The registry of Party A (this could equally be the CDM registry), in proposing the transaction, creates a unique transaction number and transaction record and sends a **proposal** message to the other registry and the transaction log (message 3 in figure II);

(b) The transaction log conducts its automated checks of the proposed transaction and sends a **response to the proposal** to each registry indicating the results of the checks (message 4);

(c) If no discrepancy was found by the transaction log, the initiating registry may remove the units from the relevant account and sends an **instruction** to the acquiring registry to add the units to its relevant account (message 5). If a discrepancy was found by the transaction log, the instruction message could signal that the transaction procedures in the acquiring registry should be terminated;

(d) Each registry sends a **confirmation** message to the transaction log (message 7), indicating whether the transaction has been completed or terminated, to enable it to update its records.

Figure II
Possible message exchange: international transfer

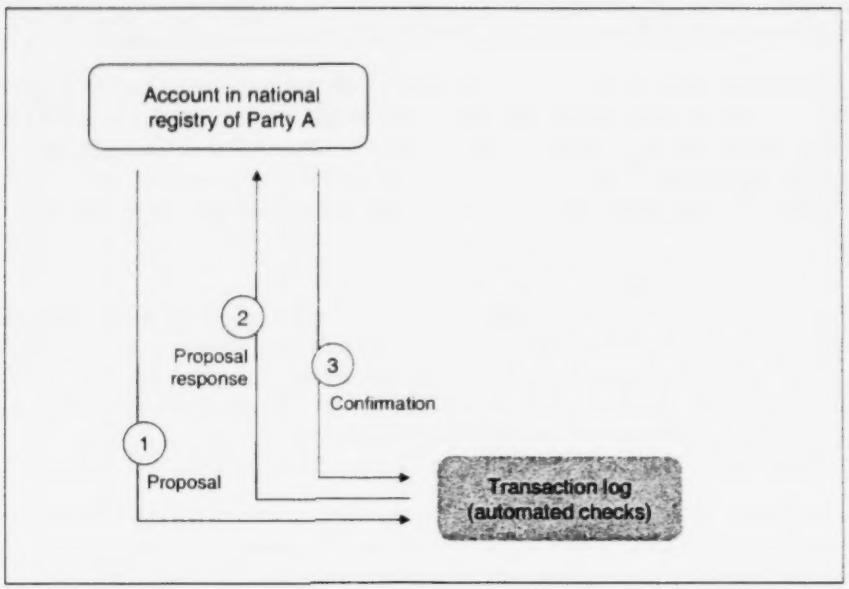


32. The dashed lines in figure II indicate other messages which may be useful to consider but which are not specified in decision 19/CP.7. A **pre-advice** (message 1), and a **response to the pre-advice** (message 2), would allow the acquiring registry to accept or decline the transfer in principle, prior to the formal proposal being made and the automated checks of the transaction log being initiated. A **response to the instruction** (message 6) may be useful in allowing the two registries to ensure their own coordination before confirming the completion or termination of the transaction to the transaction log. This list is by no means exhaustive and the necessity for further messages may need to be considered.

33. Further considerations may be important in the message exchange procedures. Once a proposal has been made to transfer units, it may be necessary to block their transfer by a second transaction until the first transaction has had sufficient time to be completed. Registries and/or the transaction log may need to place transactions in a queue. Procedures for dealing with failed transactions may be required. Perhaps transactions that fail due to an infringement of the commitment period reserve could be made pending until the proposed transaction can take place without the reserve being violated. Alternatively, only part of the transaction could be carried out so that the commitment period reserve is not infringed upon. Transactions may be processed in real time or may be batched together for processing at intervals.

34. Figure III shows the message exchange for transactions within a national registry or the CDM registry which, in accordance with decision 19/CP.7, are to be subject to the transaction log checks. Such checks are to be applied to the internal issuance, cancellation and retirement of ERUs, CERs, AAUs and RMUs and the carry-over of ERUs, CERs and AAUs. They are not to apply to transfers and acquisitions between accounts in a single registry, other than transfers to a cancellation or retirement account. This message exchange is as follows: A proposal, a response by the transaction log and, after the completion or termination of the transaction within the registry, a confirmation to the transaction log.

Figure III
Possible message exchange: Issuance, cancellation, retirement and carry-over



Message content and communication protocols

35. The content of messages exchanged between registries, or between registries and the transaction log, also needs to be considered. Possible content includes:

(a) The **transaction number** which, in accordance with decision 19/CP.7, is generated by the registry initiating the transaction. This transaction identification could be included in all messages;

(b) The **transaction record** which, also in accordance with decision 19/CP.7, contains the transaction type (an international transfer in the figure II example), the serial numbers of the relevant units and the relevant account numbers (the transferring and acquiring accounts in the figure II example). Including the transaction record in a pre-advice (message 1) and the proposal (message 3) may be sufficient as these would link it uniquely with a specific transaction number;

(c) The **status** of the transaction may also be necessary in some of the messages. For example, the response to the proposal from the transaction log (message 4) could indicate "approved" or "rejected"; the instruction (message 5) could indicate "continue" or "cancel"; and the confirmation (message 7) could indicate "completed" or "terminated";

(d) **Other information** could also be included in the content of messages. For example, in a case where a "rejected" status is sent, the response to the proposal (message 4) could indicate a reason.

36. The format of messages will depend on the particular communications protocol chosen. Hypertext Markup Language (**HTML**) is currently the main Internet language and enables text information to be assigned a specified and limited set of tags containing instructions on what to do with the text. Extensible Markup Language (**XML**) also allows text information to be tagged, but is far more flexible in that the tags can be used to describe the information and may be defined by the users themselves (for example, information can be specified as a unit name or quantity). As a result, the information can be more readily recognized by the people and the systems needing to use it. Messages used widely in the banking and finance industries, as defined by ISO and supported by the Society for Worldwide Interbank Financial Telecommunication (**SWIFT**), are structured text messages.

37. Standardizing message formats would avoid the need to translate them before they are read by a registry. For example, it would be possible for a registry to operate its links with legal entities (the lower part of figure I) with different messaging formats from its links with other registries (the upper part of figure I). This would make it necessary, however, for the registry to translate messages from entities before passing them onwards. Operating a standard message format on all links would be more efficient.

Security standards

38. Registry and transaction log security is required to prevent the **unauthorized manipulation of data** and to **authenticate the sender of electronic messages**. Such security can be established through implementing a firewall to manage access to a system and through the use of protocols such as Secure Sockets Layers (SSL) to establish a secure connection between servers. SSL works by using a key to encrypt data for transmission across the secure connection. Messages can be authenticated by establishing "digital certificates" for the transmitting server (or for the user initiating the transmission).

39. Various levels of encryption are currently in use. For example, a 128 bit key is currently used by many Internet sites (such as in obtaining credit card numbers), the SO_2 emissions trading registry in the United States and the domestic emissions trading registry in the United Kingdom. A 512 bit key is standard for financial transfers across the SWIFT network and 1024 bit keys are used by some securities depositories. Keys consisting of a higher number of bits are more complex and are therefore more difficult to decode. In order to ensure security, encryption keys need to be changed at regular intervals.

40. The choice of encryption level would need to take account of the level available as new software develops and the level necessary as older software becomes more susceptible to decoding. From a legal perspective, account may need to be taken of levels of encryption recognized by the relevant courts as providing a degree of authentication or non-repudiation that is equivalent to a written signature.

Internal verification procedures

41. Internal verification procedures may be relevant to technical standards to the extent that they prevent errors occurring in data, in particular those which may affect the integrity of other registries. It may be necessary to ensure the validity of a sender when a message is received. It may also be necessary to implement measures to avoid infringements of the commitment period reserve or limits on the issuance and use of RMUs and CERs from afforestation and reforestation project activities under the CDM.

User interfaces

42. Various interfaces may be established to give external access to the registry. The public is to have access to information on the registry through the Internet, in accordance with decision 19/CP.7, and

legal entities participating in the mechanisms or in domestic emissions trading would most likely be given electronic access to their accounts. It may also be necessary for access to a registry to be provided to other registries and the transaction log. Standardizing elements of such interfaces, or setting minimum accessibility standards, may improve the transparency of registries and could help to overcome communication difficulties where different languages are used by Parties.

Data storage

43. Serial numbers of consecutive units could be stored in registries in blocks, such that one entry in the registry database shows the beginning and last unique numeric code of serial numbers in the block (where all other elements are identical). Such blocks could be split by subsequent transactions. This may simplify data storage and communication.

44. Other aspects of data storage may also need to be considered in the context of technical standards. For example, further elaboration may be required of the information to be made publicly accessible in accordance with paragraphs 44 to 48 of decision 19/CP.7. The length of time that data should be retained within a registry, or should be maintained as publicly accessible, may need consideration. The use of accounting conventions may also need consideration.

Other possible elements of technical standards

45. It may also be necessary to consider other aspects of registries. These could, for example, relate to standards to be met by **registry administrators**. Aspects of the **institutional and legal framework** pertaining to a registry may also be relevant. In particular, legal consideration may need to be given to:

(a) At what point a unit being transferred between registries moves from the legal jurisdiction of one Party to that of the other;

(b) The definition and recognition of units in a registry (especially if units other than ERUs, CERs, AAUs and RMUs are established under domestic or regional emission trading schemes);

(c) Dispute resolution procedures;

(d) The legal status of the transaction log (especially in relation to liability and final authority in cases of discrepancies between records held by the transaction log and registries).

APPENDIX A

Questionnaire sent to Annex I Parties on their national registry development

1. Please indicate the stage of development of your Party's national registry under Article 7.4: Work has not yet begun; preliminary planning; design of national registry/technical specification; construction/testing.

2. If possible, please give an approximate estimate of when the design and construction phases of the national registry under Article 7.4 are expected to be completed.

3. What activities is your Party undertaking, or planning to undertake, in designing and constructing its national registry under Article 7.4?

4. Please describe any existing software or computer platforms being considered for the national registry under Article 7.4? Alternatively, please indicate any types of software or platform being considered or developed as the possible base for the national registry?

5. In the course of work so far, which areas appear to require the development of technical standards for application in the national registries under Article 7.4 of all Annex I Parties?

6. If your Party intends to implement a domestic emissions trading scheme, or be involved in a regional scheme, would your Party's national registry under Article 7.4 also perform as the registry at the domestic or regional level? If not, how might the national registry under Article 7.4 be related or linked to a registry for a domestic or regional scheme?

7. Please describe briefly any work undertaken to develop a registry for a domestic or regional emissions trading scheme (where this differs from the national registry under Article 7.4).

8. What other registry systems, or their equivalents, exist in your Party which may provide useful models or experience for the development of the national registry under Article 7.4?

9. What information concerning the development of the national registry under Article 7.4, or other registry systems, is your Party able to share with other Parties? Please attach such information when returning this questionnaire (or send separately).

10. Which agency or institution is undertaking, or will be undertaking, the design and construction of the national registry under Article 7.4? To what extent are commercial contractors to be involved?

11. Is the national registry under Article 7.4 likely to be operated by a government agency?

12. Is your Party considering the consolidation of its national registry under Article 7.4 with those of other Parties? Are other specific forms of cooperation with other Parties foreseen?

13. If possible, please indicate expected personnel and financial resources needed for the design, construction and operation of the national registry under Article 7.4?

14. Please indicate the government contact on the development of your Party's national registry under Article 7.4.

15. Please indicate other contacts, inside or outside government, who could provide expertise in developing national registries under Article 7.4, the CDM registry or the transaction log.

APPENDIX B

Parallels to registries in other areas

European Central Securities Depositories Association (ECSDA) (see www.ecsda.com)

1. ECSDA was established in 1997 and comprises national and international CSDs in the EU, Norway and Switzerland. Its main objective is to develop links between its members to enable fast and secure securities settlement in Europe. Standards are developed on the basis of consensus and are implemented voluntarily. ECSDA currently has four working groups considering the following topics:

(a) Legal aspects of links between ECSDA members. This group has developed model agreements between European CSDs and on the subject of cross-border settlement;

(b) Cross-border clearing and settlement. This group has developed a standard model relating to, *inter alia*, settlement finality (the point at which the change of ownership is unconditional and irrevocable), real-time settlement, release instructions, order routing and reconciliation;

(c) Technical aspects of links between ECSDA members. This group has determined the technical infrastructure needed to implement electronic links between CSDs, including message sequences and formats. The group agreed on the ISO 15022 standard messages developed by the Society for Worldwide Interbank Financial Communication (SWIFT). The work of this group has made a significant contribution to global market practices in this area;

(d) Corporate actions processing. This group is developing standards for handling the cross-border processing of corporate actions and events such as dividends, interest payments and rights issues.

2. Systems for securities settlement are to be distinguished from share or bond exchanges (where the decisions to trade are negotiated) and the banking system (where payment is made for the traded securities). However, these systems are becoming increasingly integrated: settlement finality is dependent on payment being received by the seller and settlement increasingly occurs in real time, immediately after a transaction between two entities has been agreed.

3. There are, however, important differences between securities depositories and the registries under the Kyoto Protocol. Because of the need to service securities in their home country (in the case of dividend or interest payments, for example), it is the ownership rights of the securities which are transferred abroad rather than the securities themselves. Also, securities today typically do not have individual serial numbers. Rather, the International Security Identification Numbers (ISINs) used to identify securities are unique to a particular set of securities with the same characteristics (issuer, maturity, interest rate, etc).

Renewable Energy Certificate Systems (RECS)[1]

4. The RECS group is comprised mainly of electricity industry companies but also involves government representatives. It aims to demonstrate the viability of incorporating international trading of renewable energy certificates in future renewable energy policy. The basic commitment (release 1), developed by the Association of Issuing Bodies (AIB), is to be applied in all participating schemes. It outlines a minimum set of common definitions and criteria for the creation, issue, transfer and use of certificates. The standard interface being developed to connect central registry databases in different schemes recently facilitated the first international trading of RECS certificates.

- - - - -

[1] see www.recs.org